

State Bar of Michigan
Criminal Jurisprudence and Practice Committee
Thursday, March 13, 2014 – 1 to 3 PM
State Bar of Michigan Building, 306 Townsend Street, Lansing, MI

MINUTES

Committee Members: Ryan Lee Berman, Mary Alexis Bowen, Nimish R. Ganatra, J. Kevin McKay, Julia F. Norton, Jonathan Sacks, Gretchen A. Schlaff, Samuel R. Smith III, Bruce A. Timmons
Committee Advisor: Donna McKneelen
SBM Staff: Peter Cunningham, Carrie Sharlow

1. Call to Order & Welcome – The meeting was called to order at 1:09 PM.
2. Meeting Minutes from February 13, 2014 meeting – The minutes were unanimously approved.
3. New Business
 - a. [HB 4915](#) (Lori) Crime victims; other; crime victim's rights fund; extend sunset. Amends sec. 4 of [1989 PA 196](#) (MCL [780.904](#)).
Liaison: Bruce A. Timmons

The committee voted 8 in favor 1 in opposition to take no position based on the fact that the bill was not Keller permissible.

The committee would like to discuss in more depth the charges, assessments, fines, and costs placed on defendants.

- b. [HB 5383](#) (Lauwers) Criminal procedure; evidence; expert witness testimony concerning chemical testing and custody of evidence by video communication; allow at preliminary examination and trial for certain prosecutions, and provide for release subject to conditions reasonably necessary for the protection of the public under certain circumstances. Amends sec. 1, ch. III, sec. 6b, ch. V & sec. 22, ch. VIII of [1927 PA 175](#) (MCL [763.1](#) et seq.).
Liaison: Bruce A. Timmons

The committee voted unanimously to oppose HB 5383 due to several issues: (1) it denies the presumption of innocence by denying bond; (2) it puts information into LEIN without a trial; (3) it affects judicial discretion in requiring the judge to “inform the defendant on record...” and ties the hands of the judge by requiring several conditions for bond release; and (4) it negatively affects the constitutional confrontation clause by allowing an expert to testify via video.

- c. [SB 0845](#) (Hansen) Criminal procedure; warrants; district court magistrate to issue an arrest warrant; allow. Amends sec. 1, ch. IV of [1927 PA 175](#) (MCL [764.1](#)).
Liaison: J. Kevin McKay

The committee voted unanimously (with 1 abstention) to support SB 0845.

4. Reports
 - a. Criminal Law Section – Meeting is next week. HB 4915 may or may not be on the agenda.
 - b. Indigent Defense – The Commission has funding.