

**State Bar of Michigan  
Criminal Jurisprudence and Practice Committee  
Thursday, March 21, 2013 – 1 to 3 PM  
TELECONFERENCE ONLY  
1-877-352-9775, Passcode 9152168764#**

**MINUTES**

Committee Members: Ryan Lee Berman, Mary Alexis Bowen, Nichole Jongsma Derks, Nimish R. Ganatra, Daniel Corrigan Grano, James W. Heath, J. Kevin McKay, Donna McKneelen, Julie A. Powell, Jonathan Sacks, Samuel R. Smith  
SBM Staff: Peter Cunningham, Carrie Sharlow

1. Call to Order & Welcome – The meeting was called to order at 1:04 PM
2. Approval of February Meeting Minutes – The minutes were unanimously approved.
3. New Business
  - a. Jail Diversion

**[HB 4238](#)(Oakes) **Jail Diversion****

Criminal procedure, other; Courts, other; Mental health, other. Criminal procedure; other; mental health diversion from jail for certain individuals under certain circumstances; allow. Amends 1927 PA 175 (MCL 760.1 - 777.69) by adding sec. 85, ch. VII.

**[HB 4239](#)(Oakes) **Jail Diversion****

Courts, other; Mental health, other; Criminal procedure, mental capacity. Courts; other; priority for providing mental health services to individuals diverted from criminal prosecution; require under certain circumstances. Amends sec. 208 of 1974 PA 258 (MCL 330.1208).

Liaisons: Nimish R. Ganatra and Donna McKneelen

The committee voted unanimously to oppose the bills but support the concept of jail diversion presented. Reasons for opposition were: (1) The bills do not specify which crimes to which jail diversion would apply; (2) the bills do not specify what prosecuting officials may be involved, only referencing the general “prosecuting attorney”; (3) the open discretion to the courts would lead to inconsistent use and a lack of uniformity; (4) the issue raises several separation of powers issues; and (5) key guidelines and definitions are needed, for instance “mental illness.”

b. **[HB 4351](#)(Singh) **Courts****

Courts, juries; Higher education, students. Courts; juries; eligibility to postpone jury service of students; expand to include full-time higher education students. Amends sec. 1335 of 1961 PA 236 (MCL 600.1335).

Liaisons: Samuel R. Smith and Jonathan Sacks

The committee voted nine in favor, with one opposition and one abstention to support this bill. This allows full-time students to defer jury duty until summer break and keep their names in the jury pool.

4. Reports

- a. Criminal Law Section – Nothing new to report.  
The Section is starting a traveling training. The first one will be in Ionia.
- b. Eyewitness Task Force – Peter Cunningham emailed two guides produced by the task force.
- c. Indigent Defense – The workgroup continues.

5. Adjournment.