

PRISONS & CORRECTIONS SECTION
Respectfully submits the following position on:

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HB 4083

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The Prisons & Corrections Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest.

The position expressed is that of the Prisons & Corrections Section only and is not the position of the State Bar of Michigan.

To date, the State Bar does not have a position on this matter.

The total membership of the Prisons & Corrections Section is 174.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 15. The number who voted in favor to this position was 11. The number who voted opposed to this position was 0.

Report on Public Policy Position

Name of Section:

Prisons & Corrections Section

Contact person:

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Bill Number:

[HB 4083](#) (Kesto) Crimes; gangs; gang participation; prohibit, and provide a penalty. Amends sec. 411u of [1931 PA 328](#) (MCL [750.411u](#)).

Date position was adopted:

April 11, 2015

Process used to take the ideological position:

Position adopted after discussion and vote at a scheduled meeting.

Number of members in the decision-making body:

15

Number who voted in favor and opposed to the position:

11 Voted for position

0 Voted against position

1 Abstained from vote

3 Did not vote (absent)

Position:

Oppose

Explanation of the position, including any recommended amendments:

The definition of "gang" and "gang member" are so broad and vague that HB 4083, if passed and enacted, would likely criminalize behavior of individuals not actually a member of a gang. In addition, there are serious implications to a person's constitutional rights of freedom of association and freedom of speech, while also creating a status offense.

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.

<http://legislature.mi.gov/doc.aspx?2015-HB-4083>