

CRIMINAL JURISPRUDENCE & PRACTICE COMMITTEE

Respectfully submits the following position on:

*

HB 4472

*

The Criminal Jurisprudence & Practice Committee is comprised of members appointed by the President of the State Bar of Michigan.

The position expressed is that of the Criminal Jurisprudence & Practice Committee.

The State Bar of Michigan's position on this matter is to oppose the bill.

The total membership of the Criminal Jurisprudence & Practice Committee is 19.

The position was adopted after discussion at a scheduled meeting and e-vote. The number of members in the decision-making body is 19. The number who voted in favor to this position was 13. The number who voted opposed to this position was 1.

Report on Public Policy Position

Name of committee:

Criminal Jurisprudence & Practice Committee

Contact persons:

Hon. David Hoort
Gretchen Schlaff

E-mail:

Hon. David Hoort - dhoort@ioniacounty.org
Gretchen Schlaff - Gretchen.Schlaff@macombcountymi.gov

Bill Number:

[HB 4472](#) (Pscholka) Corrections; parole; appointment of legal counsel for prisoner based upon appeal of parole by victim or prosecutor; prohibit under certain circumstances. Amends sec. 34 of [1953 PA 232](#) (MCL [791.234](#)).

Date position was adopted:

May 12, 2011

Process used to take the ideological position:

Position adopted after discussion and vote at a scheduled meeting and a further e-vote

Number of members in the decision-making body:

19

Number who voted in favor and opposed to the position:

13 Voted for position
1 Voted against position
0 Abstaining
5 Did not vote

Position:

Oppose

Explanation of the position, including any recommended amendments:

The Committee opposes the bill because it takes away the discretion of the judge in appointing counsel for the prisoner.

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?2011-HB-4472>

FOR LEGISLATIVE ISSUES ONLY:

This position falls within the following Keller-permissible category:

- The regulation and discipline of attorneys
- ✓ The improvement of the functioning of the courts
- The availability of legal services to society
- The regulation of attorney trust accounts
- The regulation of the legal profession, including the education, the ethics, the competency, and the integrity of the profession.

Keller-permissible explanation:

The committee believed this legislation to be Keller permissible as affecting the functioning of the courts.