

Report on Public Policy Position

Name of Committee:

Justice Policy Initiative

Contact Person:

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Bill Number:

[HB 4844](#) (Pettalia) Civil procedure, personal protection orders; State agencies (existing), information technology. Civil procedure; personal protection orders; statewide personal protection order registry; create, and provide for law enforcement information network (LEIN) access. Amends secs. 2950 & 2950a of 1961 PA 236 (MCL 600.2950 & 600.2950a) & adds sec. 2950n.

Date position was adopted:

October 17, 2011

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:

9 Voted for position

0 Voted against position

0 Abstained from vote

6 Did not vote

Position:

Adopt the Position of the Criminal Jurisprudence & Practice Committee

Explanation of the position, including any recommended amendments:

Justice Policy Initiative voted to adopt the position of the Criminal Jurisprudence & Practice Committee on HB 4844. The committee opposes HB 4844 for the following reasons:

First, the action requires that the issuance of a personal protection order be maintained in the system for ten years without considering the potential for improper issuance or issuance based upon unreliable or unsubstantiated allegations. This is especially concerning given that many personal protection orders are

issue ex parte and subsequently terminated following a hearing. The amendments are drafted in a manner that does not rule out a requirement that even terminated orders would be retained in the system for ten years

Second, the proposed public registry serves little practical purpose. The purpose of a personal protection order is to protect a specific individual and in some circumstances that individual's family. There is no judicial finding that the subject of the order is a danger to others thereby requiring some notification beyond the scope of those who requested and received the order.

Third, retention of the order on the publicly accessible system will have a long-term effect when the matter that required the personal protection order may be a temporary situation.

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-4844>

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 addition of the requirement to retain the orders on a registry will impose an additional administrative and, therefore economic burden on under-funded courts as well as creating an un-funded mandate on local units of government.