

FAMILY LAW SECTION

Respectfully submits the following position on:

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HB 5659

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The Family Law 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 Family Law 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 Family Law Section is 2,865.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 21. The number who voted in favor to this position was 14. The number who voted opposed to this position was 4. The number who abstained from voting was 1.

Report on Public Policy Position

Name of Section:

Family Law Section

Contact person:

Kent Weichmann

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Bill Number:

[HB 5659](#) (Santana) Criminal procedure; search and seizure; seizure of firearms and ammunition during a domestic violence incident; allow. Amends title of [1927 PA 372](#) (MCL [28.421](#) - [28.435](#)) & adds sec. 6b.

Date position was adopted:

September 18, 2014

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:

21

Number who voted in favor and opposed to the position:

14 Voted for position

4 Voted against position

1 Abstained from vote

2 Did not vote

Position:

Support

Explanation of the position, including any recommended amendments:

HB 5659 allows a law enforcement officer to remove weapons and ammunition from the premises where a domestic violence incident has occurred if the officer believes the items will expose the victim to a risk of bodily injury. The items are returned to the owner after seven days unless the court enters an order prohibiting their return. The Family Law Section supports this bill.

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?2014-HB-5659>