

p 517-346-6300

p 800-968-1442

f 517-482-6248

www.michbar.org

June 22, 2005

The Honorable John R. Pastor
State Representative
State Capitol
P.O. Box 30014
Lansing, MI 48909-7514

306 Townsend Street
Michael Franck Building
Lansing, MI
48933-2083

Re. HB 4166 Eluding a Police Officer

Dear Representative Pastor:

At its June 10, 2005 meeting, the Board of Commissioners unanimously voted to **oppose in principle¹ HB 4166.**

For your information, I have enclosed a public policy report submitted to the State Bar from its Criminal Jurisprudence and Practice Committee. Please note that the opinion expressed in the report is that of the Committee and not the State Bar.

I would be happy to discuss the State Bar's position in more detail. I can be reached directly at (517) 346-6375 or jwelch@mail.michbar.org.

Sincerely,



Janet Welch
General Counsel

CC. Nancy J. Diehl, President
John T. Berry, Executive Director
Martin P. Krohner, Co-Chair, Criminal Jurisprudence and Practice Committee
Valerie R. Newman, Co-Chair, Criminal Jurisprudence and Practice Committee
Nell Kuhnmuensch, Governmental Consultant Services, Inc.

¹ Definition of oppose in principle: Pending legislation that the State Bar opposes but is not the subject of active lobbying effort. The State Bar is on record on this position and will explain it upon request.



Report on Public Policy Position

Name of Committee:

Criminal Jurisprudence and Practice Committee

Contact Person:

Valerie Newman/Marty Krohner

Email:

valerie@sado.org; marty@mich.com

Bill Number:

HB 4166 (Pastor) Crimes; disorderly conduct; penalties for participants at a youth athletic event to interfere with the game; provide for. Amends 1931 PA 328 (MCL 750.1 - 750.568) by adding sec. 81e.

Date position was adopted:

3/17/05

Process used to take the ideological position:

Committee meeting

Number of members in the decision-making body:

10

Number who voted in favor and opposed to the position:

Unanimous vote in opposition to bill

Position:

This bill enacts a new crime for those who engage in unlawful conduct at sports events involving participants under the age of 18. The bill is unnecessary as the current criminal code, with crimes such as assault and battery and felonious assault, provide full and adequate penalties for any assaultive conduct which is also covered by this bill. The bill is duplicative and unnecessary and creates special protection for a small class of people.

The text (may be provided by hyperlink) of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report:

<http://www.legislature.mi.gov/mileg.asp?page=getObject&objName=2005-HB-4166>

RECOMMEND STATE BAR ACTION ON THIS ISSUE:

Arguments for the position:

See above

Arguments against the position (if any):

None

If the State Bar currently has a position on this subject matter, state the position, and an analysis of whether the recommended position and the current State Bar position are in conflict.

On June 10, 2005, the State Bar of Michigan unanimously voted to adopt a position of oppose in principle.

Fiscal implications of the recommended policy to the State Bar of Michigan:

None

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:

This bill imposes needless duplication that will only clog the courts with cases that could be prosecuted under existing laws.