



Report on Public Policy Position

Name of Committee:

Criminal Jurisprudence and Practice Committee

Contact Person:

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Bill Number:

HB 4213 (Meyer) Juveniles; criminal procedure; forensic examinations of juveniles to determine competency; allow. Amends 1939 PA 288 (MCL 701.1 - 712A.32) by adding sec. 17e to ch. XIIA.

-TIE BAR WITH -

HB 4214 (Meyer) Juveniles; criminal procedure; forensic examinations of juveniles to determine competency; allow. Amends secs. 1001a, 1020, 1022, 1024, 1026, 1028, 1030, 1031, 1032, 1034, 1036, 1038, 1040, 1042, 1044 & 1050 of 1974 PA 258 (MCL 330.2001a et seq.).

-TIE BAR WITH -

HB 4215 (Meyer) Juveniles; criminal procedure; provisions relating to the alibi defense; expand to include juveniles. Amends secs. 20, 20a, 21, 21a & 36, ch. VIII of 1927 PA 175 (MCL 768.20 et seq.)

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 support

Position:

This bill gives the same protections to juveniles with mental health issues as already provided to adults in the criminal justice system.

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-4213>

<http://www.legislature.mi.gov/mileg.asp?page=getObject&objName=2005-HB-4214>

<http://www.legislature.mi.gov/mileg.asp?page=getObject&objName=2005-HB-4215>

RECOMMEND STATE BAR ACTION ON THIS ISSUE:

Arguments for the position:

Juveniles with mental health issues should have at least as much protection as adults.

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.

As of April 22, 2005, the State Bar of Michigan's adopted the following positions supportive of the goals of this package:

- Support in principle the provisions of access to alibi and insanity defense to juveniles.
- Support in principle the mechanism to present those defenses to the trier-in-fact.

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 directly affects the how the courts function in the treatment of juveniles.