



S T A T E B A R O F M I C H I G A N

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May 10, 2005

The Honorable Jim A. Plakas  
State Representative  
State Capitol  
P.O. Box 30014  
Lansing, MI 48909-7514

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

**Re. HB 4265 Vehicular Homicide**

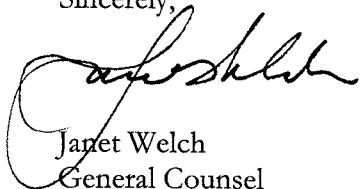
Dear Representative Plakas:

At its April 22, 2005 meeting, the Board of Commissioners unanimously voted to **oppose in principle<sup>1</sup> HB 4265**.

For your information, I have enclosed a public policy report submitted by the Criminal Jurisprudence and Practice Committee. Please note that the opinions expressed in the report are those of the Criminal Jurisprudence and Practice Committee, and not of 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](mailto: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.

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<sup>1</sup> 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 4265 (Plakas) Criminal procedure; statute of limitations; statute of limitations for vehicular homicide; extend. Amends sec. 24, ch. VII of 1927 PA 175 (MCL 767.24).

**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 opposition

**Position:**

The committee opposes extending the statute of limitations due to finality and causation issues. It is very difficult to defend against cases as the passage of time grows farther away from the time the crime was committed.

**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-4265>

## 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.

As of April 22, 2005, the State Bar of Michigan opposes in principle HB 4265.

### 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 would impact the functioning of the courts as it would make trials more complicated and potentially less reliable. It would also impact on the administration of justice for those defending indigent criminal defendants against charges where a significant amount of time has passed because the courts often refuse to provide funds for investigative or professional resources to counsel for indigent criminal defendants. The older the case the more likely it would be that significant resources would be necessary to properly prepare a defense case.