



## Report on Public Policy Position

**Name of Section:**

Criminal Law Section

**Contact Person:**

Gary Gabry

**Email:**

gmgabry@hotmail.com

**Bill Number:**

**SB 263** (Hammerstrom) Crime victims; statements; hearsay rule; exempt certain statements of domestic violence victims. Amends [1927 PA 175](#) (MCL [760.1](#) - [777.69](#)) by adding secs. 27a & 27b to ch. VIII.

**Date position was adopted:**

March 15, 2005

**Process used to take the ideological position:**

SB 263 was circulated among the council members, fully discussed. The Chair entertained a motion and one to oppose the bill was made. After discussion the motion carried by voice vote, no opposition was expressed.

**Number of members in the decision-making body:**

18

**Number who voted in favor and opposed to the position:**

motion to oppose passed without opposition

**FOR SECTIONS ONLY:**

- ✓ This subject matter of this position is within the jurisdiction of the section.
- ✓ The position was adopted in accordance with the Section's bylaws.
- ✓ The requirements of SBM Bylaw Article VIII have been satisfied.

*If the boxes above are checked, SBM will notify the Section when this notice is received, at which time the Section may advocate the position.*

**Position:**

Oppose SB 263

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-SB-0263>

<b>RECOMMEND STATE BAR ACTION ON THIS ISSUE:</b>
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**Arguments for the position:**

None reported.

**Arguments against the position (if any):**

None reported.

**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.**

At its September 21, 2005 meeting, the State Bar of Michigan's Board of Commissioners unanimously voted to oppose in principle SB 263. The State Bar's opposition is based on a long-standing position that changes in evidentiary rules should not be addressed in statute but rather by the Michigan Supreme Court in court rule.

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

None reported.

**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: