



Report on Public Policy Position

Name of Committee:

Criminal Jurisprudence and Practice Committee

Contact Person:

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Bill Number:

SB 416 (Cropsey) Crimes; other; sale or rental of ultra-violent video games to individuals under 17 years of age; prohibit and provide penalties. Creates new act.

Date position was adopted:

5/12/05

Process used to take the ideological position:

Committee meeting

Number of members in the decision-making body:

20

Number who voted in favor and opposed to the position:

13 members who participated unanimously opposed this legislation

Position:

SB 416 is new legislation addressing the sale and dissemination of certain ultra-violent explicit matter to minors. This legislation is vague, overbroad, and would impose upon prosecutors untenable requirements.

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-0416>

RECOMMEND STATE BAR ACTION ON THIS ISSUE:
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Arguments for the position:

The bill appears to be unconstitutional on its face and would be difficult to enforce.

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 11, 2005, the Public Policy Committee unanimously agreed that the bill was not Keller permissible.

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 has the potential to flood prosecutor offices with requests for advisory opinions regarding the sale and exhibition of various materials. The prosecutors would likely be unable to comply with the time requirements in this bill and their services would likely be extremely strained by the imposition of these requirements, thus straining resources for their traditional functions.