

p 517-346-6300

p 800-968-1442

f 517-482-6248

www.michbar.org

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

October 7, 2005

The Honorable David Law
State Representative
State Capitol
P.O. Box 30014
Lansing, MI 48909-7514

Re: HB 4630 Preliminary Breath Tests

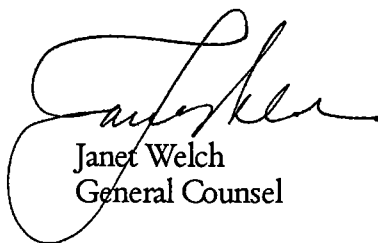
Dear Representative Law:

At its September 21, 2005, the State Bar of Michigan's Board of Commissioners unanimously voted to **support in principle**¹ HB 4630.

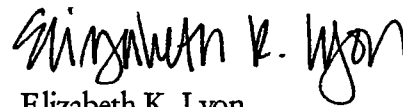
Please note that a concern was raised within the Criminal Jurisprudence and Practice Committee regarding the word "argument" in (2)(b)(ii). It was suggested that because the argument of the parties is not admissible as evidence, the word "argument" should be deleted. Some were concerned that retention of the word "argument" could cause trials in drunk driving cases to be governed by different rules than in other cases.

If you would like to discuss this position in further detail or have questions, please contact Janet Welch directly at (517) 346-6375, jwelch@mail.michbar.org; or Elizabeth Lyon directly at (517) 346-6325, elyon@mail.michbar.org.

Sincerely,



Janet Welch
General Counsel



Elizabeth K. Lyon
Public Policy Program Analyst

CC. Thomas W. Cranmer, President
John T. Berry, Executive Director
Nell Kuhnmuensch, Governmental Consultant Services, Inc.

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