



## Report on Public Policy Position

**Name of Committee:**

Criminal Jurisprudence and Practice Committee

**Contact Person:**

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**Bill Number:**

**HB 4630** (Law) Criminal procedure; evidence; preliminary breath tests; allow as admissible evidence in certain criminal prosecutions. Amends sec. 625a of 1949 PA 300 (MCL 257.625a).

**Date position was adopted:**

June 16, 2005

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

Committee meeting

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

15

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

7 in favor, 3 opposed and 2 abstained

**Position:**

HB 4630 makes changes to the drunk driving statute

**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-4630>

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

Minor changes to statute that have no real impact

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

Concerns were raised about the word argument in (2)(b)(ii) and that since the argument of the parties is not evidence that nothing should become admissible as a result of argument

**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 support in principle HB 4630.

**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:**

If the concerns about the word argument are correct then the result of this change is that trials in drunk driving cases would be governed by different rules than in other cases and this would affect the functioning of the courts.