



## Report on Public Policy Position

**Name of Committee:**

Criminal Jurisprudence and Practice Committee

**Contact Person:**

Valerie Newman/Marty Krohner

**Email:**

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**Bill Number:**

**HB 6543** (Kahn) Crimes; definitions; gang felony crimes; create. Amends 1931 PA 328 (MCL 750.1 - 750.568) by adding sec. 411u.

**Date position was adopted:**

October 12, 2006

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

Discussion and vote at a Committee meeting

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

22

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

13 in favor

**Position:**

The committee is opposed to the legislation

**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/\(S\(l4wmri45cnfsm4vpwk5ib4ju\)\)/mileg.aspx?page=getObject&objectName=2006-HB-6543](http://www.legislature.mi.gov/(S(l4wmri45cnfsm4vpwk5ib4ju))/mileg.aspx?page=getObject&objectName=2006-HB-6543)

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

The committee is in agreement that we do not like the legislation but that comment on the content is not Keller permissible. Committee unanimously opposes (**active opposition**) the imposition of mandatory minimum sentences, which we believe is Keller permissible comment, because it effects the functioning of the Court by removing judicial discretion at sentencing.

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

None stated.

**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 November 17, 2006, the State Bar of Michigan's Board of Commissioners unanimously voted to actively oppose the provision in HB 6543 regarding mandatory sentencing based on historical positions.

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

None stated.

**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:**

It effects the functioning of the Court by removing judicial discretion at sentencing.