



Report on Public Policy Position

Name of Committee:

Criminal Jurisprudence and Practice

Contact Person:

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Bill Number:

HB 4459 (Robertson) Crimes; definitions; gang felony crimes; create. Amends 1931 PA 328 (MCL 750.1 - 750.568) by adding sec. 411u.

Date position was adopted:

4-12-07

Process used to take the ideological position:

Position adopted after discussion and vote at a scheduled meeting.

Number of members in the decision-making body:

21

Number who voted in favor and opposed to the position:

11 Voted for position

0 Voted against position

0 Abstained from vote

0 Did not vote

Position:

Oppose

Explanation of the position, including any recommended amendments:

The bill requires a mandatory minimum sentence of 2 years, which takes discretion away from the sentencing judge. The Committee also has strong concerns that the legislation might not be able to withstand a constitutional challenge as being vague and overbroad.

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.

<http://legislature.mi.gov/doc.aspx?2007-HB-4459>

RECOMMEND STATE BAR ACTION ON THIS ISSUE:

List any arguments against the position:

N/A

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:

The bill would take away the sentencing discretion of the court.