

Report on Public Policy Position

Name of committee:

Criminal Jurisprudence & Practice Committee

Contact persons:

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Bill Number:

[HB 5534](#) (Tobocman) Criminal procedure; verdicts; recording of order setting aside forged deed following criminal conviction; provide for. Amends secs. 248 & 249 of [1931 PA 328](#) (MCL [750.248](#) & [750.249](#)).

Date position was adopted:

February 14, 2008

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:

23

Number who voted in favor and opposed to the position:

12 Voted for position

0 Voted against position

0 Abstained from vote

0 Did not vote

Position:

Support in concept

Explanation of the position, including any recommended amendments:

The committee views this legislation as supporting crime victims and agrees with the legislation in principle. There was some concern about victims not being made whole after the criminal case ended with either a guilty plea or a conviction. The actual original deed holder would still need to go through another process to obtain clear title with the defendant still retaining title to the property. The legislation permits the court to set aside the fraudulent title and permit the victim to retain clear title.

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-5534>

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 committee views this legislation as protecting a judicial function, which is to validate or invalidate a deed and therefore finds it is Keller permissible.