

## Report on Public Policy Position

**Name of committee:**

Criminal Jurisprudence & Practice Committee

**Contact persons:**

Martin P. Krohner

Valerie R. Newman

**E-mail:**

Martin P. Krohner – [marty@mich.com](mailto:marty@mich.com)

Valerie R. Newman – [valerie@sado.org](mailto:valerie@sado.org)

**Bill Number:**

[HJR 00](#) (Agema) Criminal procedure; bail; individual charged with a felony who has entered or remained in United States illegally; prohibit granting bail. Amends sec. 15, art. I of the state constitution.

**Date position was adopted:**

March 13, 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:**

19

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

10 Voted for position

0 Voted against position

**Position:**

Oppose

**Explanation of the position, including any recommended amendments:**

The committee voted to oppose for the following reasons: (1) court does not always know immigration status; (2) the issue of judicial discretion; (3) jail overcrowding; (4) there are situations where persons enter illegally and become citizens; (5) this would interfere with legitimate law enforcement efforts; (6) we have immigration courts people can be referred to; (7) the federal constitution question.

**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?2008-HJR-00>

**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:**

HJR OO directly affects the functioning of the courts because it takes away the judicial discretion to grant bail.