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June 3, 2008

The Honorable Bob Constan
State Representative
State Capitol
P.O. Box 30014
Lansing, MI 48909-7514

RE: HB 5260 Warrants Authorizing Electronic Interception

Dear Representative Constan:

At its April 2008 meeting, the State Bar of Michigan's Board of Commissioners unanimously voted to **oppose HB 5260**. This position was adopted after careful consideration of a recommendation from the State Bar's Criminal Jurisprudence and Practice Committee. The Committee expressed the following concerns: the judge to whom the case is assigned may not be available to sign a warrant; if the judge is unavailable, then the agency requesting the warrant has no alternative but to wait for that judge's availability, which may impact the ability to obtain the information for which the warrant request is being filed; and the bill would disrupt the current practice of judges rotating on-call availability.

If you would like to discuss this position in further detail or have questions, please contact us directly at your convenience.

Sincerely,



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