



MEMBERS:

SEN. TONYA SCHUITMAKER, VICE CHAIRMAN
SEN. TORY ROCCA
SEN. STEVE BIEDA, MINORITY VICE CHAIR

THE SENATE
COMMITTEE ON JUDICIARY
SENATOR RICK JONES
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Senate Committee on Judiciary

A meeting of the Senate Committee on Judiciary was held on Tuesday, March 8, 2011 at 2:30 p.m. in Room 110 of the Farnum Building.

The meeting was called to order at 2:35 p.m.

Members present: Senators Jones, Schuitmaker, Rocca, and Bieda
Members excused: None

Senator Jones called the meeting to order.

Senator Jones announced the order of business for the day.

Approval of the minutes from March 1st, 2011

SB 188	Sen. Jones	Criminal procedure; sex offender registration; federal compliance with sex offenders registry; provide for.
SB 189	Sen. Pavlov	Criminal procedure; sex offender registration; federal compliance with sex offenders registry; provide for.
SB 206	Sen. Pavlov	Criminal procedure; sentencing guidelines; sentencing guidelines for crime of failing to register as a sex offender; revise.
SB 152	Sen. Schuitmaker	Criminal procedure; evidence; electronic recording of certain custodial interrogation sessions; require, and revise procedures for determining admissibility as evidence.
SB 191	Sen. Caswell	Civil procedure; costs and fees; attorney contingency fees; require to be based on a sliding scale.
SB 192	Sen. Caswell	Probate; wills and estates; estate administration fee; allow deduction for amount of mortgage on real property.

SB 201 Sen. Schuitmaker Torts; governmental immunity; liability for a defect in a sidewalk; clarify that inference regarding a defect of less than 2 inches applies to any sidewalk maintained by a municipal corporation.

Senator Bieda moved to adopt the minutes from March 1st, 2011 with unanimous consent. Without objection, the minutes were adopted.

Senator Jones placed before the committee Senate Bill 191 and 192 (Sen. Caswell). Senator Caswell testified in explanation of Senate Bill 191, and then answered questions from the committee. Senator Caswell then testified in explanation of Senate Bill 192.

The following people submitted cards, but did not wish to testify, on Senate Bill 191:

Elizabeth Lym, representing the State Bar of Michigan—Oppose
Todd Tennis, representing the Negligence Law Section of the State Bar of Michigan--Oppose

Michael Behm, representing the Michigan Association for Justice, testified in opposition to the bill. Mr. Behm then answered questions from the committee members.

No cards were submitted for Senate Bill 192.

Senator Jones placed before the committee Senate Bills 188 (Sen. Jones), 189 (Sen. Pavlov) and 206 (Sen. Pavlov). Senator Jones explained the work on the bills and the substitutes before the committee. Senator Jones then answered questions from the committee members. Senator Jones called on Sgt. Chris Hawkins from the Michigan State Police to further answer questions on the package and substitutes.

The following people submitted cards, but did not wish to testify, on Senate Bills 188, 189. And 206:

KC Steckelberg, representing the Prosecuting Attorneys Association of Michigan—Support
Noah Smith, representing the Criminal Defense Attorneys of Michigan—Neutral
Shelli Weisberg, representing the ACLU of Michigan—Neutral
Stephanie Johnson, representing the Michigan Coalition Against Domestic and Sexual Violence—Neutral
Dwayne Gill and Chris Hawkins, representing the Michigan State Police—Support

The following submitted written testimony on the bills, which is on file with the clerk:

Susan Zerbe, citizen
Peg Gaynor, citizen
Judy Morse, citizen

Senator Schuitmaker moved to adopt the substitute (S-3) to Senate Bill 188. By an affirmative vote of the majority of members serving, the substitute was adopted. Voting as follows:
Yeas: Senators Jones, Schuitmaker, Rocca, and Bieda (4/4)

Nays: none (0)
Pass: none (0)
Excused: none (0)

Senator Schuitmaker moved that Senate Bill 188 S-3 be reported out of committee with the recommendation that the bill then pass. The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:
Yeas: Senators Jones, Schuitmaker, Rocca, and Bieda (4/4)
Nays: none (0)
Pass: none (0)
Excused: none (0)

The committee further recommended that the bill be given immediate effect by unanimous consent.

Senator Schuitmaker moved to adopt the substitute (S-3) to Senate Bill 189. By an affirmative vote of the majority of members serving, the substitute was adopted. Voting as follows:
Yeas: Senators Jones, Schuitmaker, Rocca, and Bieda (4/4)
Nays: none (0)
Pass: none (0)
Excused: none (0)

Senator Schuitmaker moved that Senate Bill 189 S-3 be reported out of committee with the recommendation that the bill then pass. The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:
Yeas: Senators Jones, Schuitmaker, Rocca, and Bieda (4/4)
Nays: none (0)
Pass: none (0)
Excused: none (0)

The committee further recommended that the bill be given immediate effect by unanimous consent.

Senator Bieda moved that Senate Bill 206 be reported out of committee with the recommendation that the bill then pass. The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:
Yeas: Senators Jones, Schuitmaker, Rocca, and Bieda (4/4)
Nays: none (0)
Pass: none (0)
Excused: none (0)

The committee further recommended that the bill be given immediate effect by unanimous consent.

Senator Jones placed before the committee Senate Bill 152 (Sen. Schuitmaker).

Senator Schuitmaker testified in explanation of her bills. Senator Schuitmaker brought up the following persons to also testify in explanation and answer questions from the committee members:

Valerie Newman, representing the State Bar of Michigan—Support
Martin Underhill, representing the Michigan Association of Chiefs of Police—Support
Victor Lauria, representing the State Bar—Support

David Harvey, representing the Michigan Commission on Law Enforcement Standards, testified in support of the concept of the bill but opposition to the funding source. Mr. Harvey than answered questions from the committee.

Ms. Newman returned to answer questions raised from Mr. Harvey's testimony.

The following people submitted cards, but did not wish to testify, on Senate Bill 152:

Sgt. Chris Hawkins, representing the Michigan State Police—Neutral
Noah Smith, representing the Criminal Defense Attorneys of Michigan—Support
KC Steckelberg, representing the Prosecuting Attorneys Association of Michigan--Support

Senator Bieda moved that Senate Bill 152 be reported out of committee with the recommendation that the bill then pass. The motion prevailed by an affirmative vote of a majority of the members appointed to and serving on the committee, voting as follows:

Yeas: Senators Jones, Schuitmaker, Rocca, and Bieda (4/4)

Nays: none (0)

Pass: none (0)

Excused: none (0)

The committee further recommended that the bill be given immediate effect by unanimous consent.

Senator Jones placed before the committee Senate Bill 201 (Sen. Schuitmaker).

Senator Schuitmaker testified in explanation of her bill. Senator Schuitmaker then answered questions from the committee.

Samantha Harkins, representing the Michigan Municipal League, and Brig Smith, City Attorney for the City of Lansing, testified in support of the bill.

Steve Hicks, representing the Michigan Association for Justice, testified in opposition to the legislation. Mr. Hicks then answered questions from the committee.

Senator Schuitmaker moved to adopt the substitute (S-1) to Senate Bill 201. By an affirmative vote of the majority of members serving, the substitute was adopted. Voting as follows:

Yeas: Senators Jones, Schuitmaker, Rocca, and Bieda (4/4)

Nays: none (0)

Pass: none (0)

Excused: none (0)

Senator Jones announced that the bill would be tabled for now.

Senator Jones adjourned the committee at 3:31 p.m.

3/15/11
Date Approved by Committee

**An audio recording of this committee meeting is available upon request for a minimal fee.