



HOUSE OF REPRESENTATIVES

COMMITTEE ON JUDICIARY
REP. GRAHAM FILLER
CHAIR

COMMITTEE MEETING MINUTES

Tuesday, September 22, 2020 8:15 AM Room 519, House Office Building

The House Committee on Judiciary was called to order by Chair Filler.

The Chair requested attendance be called:

Present: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Absent: None.

Excused: None.

Representative Howell moved to adopt the meeting minutes from September 16, 2020. There being no objection, the motion prevailed by unanimous consent.

The Chair laid HB 5846, HB 5847, HB 5848, HB 5849, HB 5850, HB 5851, HB 5852 and HB 5853 before the committee:

HB 5846 (Rep. Kahle)

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 204a, 208, 303, 304, 315, 317, 319, 320d, 320e, 321a, 323d, 328, 732a, 732b, 904, and 907 (MCL 257.204a, 257.208, 257.303, 257.304, 257.315, 257.317, 257.319, 257.320d, 257.320e, 257.321a, 257.323d, 257.328, 257.732a, 257.732b, 257.904, and 257.907), section 204a as amended by 2016 PA 332, section 208 as amended by 2006 PA 565, sections 303 and 320d as amended by 2012 PA 498, section 304 as amended by 2018 PA 48, section 315 as amended by 2008 PA 7, section 317 as amended by 2018 PA 566, section 319 as amended by 2016 PA 358, section 320e as amended by 2003 PA 152, section 321a as amended by 2017 PA 236, section 323d as added by 1993 PA 359, section 328 as amended by 2015

PA 135, sections 732a and 732b as amended by 2018 PA 50, section 904 as amended by 2018 PA 212, and section 907 as amended by 2015 PA 126; and to repeal acts and parts of acts.

HB 5847 (Rep. Meerman)

A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending sections 701 and 703 (MCL 436.1701 and 436.1703), section 701 as amended by 2020 PA 78 and section 703 as amended by 2019 PA 131.

HB 5848 (Rep. Lasinski)

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 3303 and 3320 (MCL 500.3303 and 500.3320), section 3303 as amended by 1980 PA 461 and section 3320 as amended by 2012 PA 204.

HB 5849 (Rep. Mueller)

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 151d (MCL 600.151d), as amended by 2011 PA 234.

HB 5850 (Rep. Warren)

A bill to amend 1982 PA 295, entitled "Support and parenting time enforcement act," by amending sections 28, 29, 30, 44, and 45 (MCL 552.628, 552.629, 552.630, 552.644, and 552.645), sections 28, 29, and 30 as amended by 2009 PA 193 and sections 44 and 45 as amended by 2014 PA 378.

HB 5851 (Rep. Yancey)

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7408a (MCL 333.7408a), as amended by 2012 PA 501.

HB 5852 (Rep. Stone)

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1e (MCL 769.1e), as amended by 2000 PA 220.

HB 5853 (Rep. Kahle)

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 208b, 215, 217, 217c, 226a, 233, 233a, 234, 239, 244, 248, 248f, 251, 252a, 255, 256, 301, 306, 310, 311, 312, 312a, 315, 317, 324, 325, 326, 328, 503, 624b, 675, 677a, 682c, 698, 707c, 722, 724, 728d, 904, 904a, 904e, 905, and 907 (MCL 257.208b, 257.215, 257.217, 257.217c, 257.226a, 257.233, 257.233a, 257.234, 257.239, 257.244, 257.248, 257.248f, 257.251, 257.252a, 257.255, 257.256, 257.301, 257.306, 257.310, 257.311, 257.312, 257.312a, 257.315, 257.317, 257.324, 257.325, 257.326, 257.328, 257.503, 257.624b, 257.675, 257.677a, 257.682c, 257.698, 257.707c, 257.722, 257.724, 257.728d, 257.904, 257.904a, 257.904e, 257.905, and 257.907), section 208b as amended

by 2019 PA 88, sections 217 and 233 as amended by 2014 PA 290, section 217c as amended by 2018 PA 108, section 226a as amended by 2006 PA 516, section 233a as amended by 2000 PA 82, section 234 as amended by 2002 PA 552, section 244 as amended by 2013 PA 231, section 248 as amended by 2018 PA 420, section 248f as amended by 2006 PA 298, section 251 as amended by 2012 PA 498, section 252a as amended by 2018 PA 347, section 255 as amended by 2018 PA 64, section 256 as amended by 1987 PA 34, section 301 as amended by 2011 PA 159, sections 306 and 324 as amended by 2015 PA 11, section 310 as amended by 2018 PA 177, section 311 as amended by 1983 PA 63, section 312 as amended by 2000 PA 456, section 312a as amended by 2016 PA 318, section 315 as amended by 2008 PA 7, section 317 as amended by 2018 PA 566, section 328 as amended by 2015 PA 135, section 503 as added by 2013 PA 218, section 624b as amended by 2003 PA 61, section 675 as amended by 2018 PA 179, section 682c as added by 2012 PA 262, section 698 as amended by 2018 PA 342, section 722 as amended by 2018 PA 274, section 724 as amended by 2018 PA 651, section 904 as amended by 2018 PA 212, section 904a as amended by 1985 PA 53, section 904e as amended by 1999 PA 73, section 905 as added by 1980 PA 518, and section 907 as amended by 2015 PA 126; and to repeal acts and parts of acts.

Kathy Hagenian, representing the Michigan Coalition to End Domestic and Sexual Violence, testified in support of HB 5846, HB 5847, HB 5848, HB 5849, HB 5850, HB 5851, HB 5852 and HB 5853.

The following people submitted a card in support of HB 5846, HB 5847, HB 5848, HB 5849, HB 5850, HB 5851, HB 5852 and HB 5853, but did not wish to speak:

Stephanie Johnson, representing the Michigan Association of Chiefs of Police.

The Chair laid HB 5880, HB 5881, SB 977 and SB 978 before the committee:

- | | |
|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| HB 5880 (Rep. Wendzel) | A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 759 (MCL 168.759), as amended by 2018 PA 603. |
| HB 5881 (Rep. Bollin) | A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11d (MCL 777.11d), as amended by 2018 PA 661. |
| SB 977 (Sen. Daley) | A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 759 (MCL 168.759), as amended by 2018 PA 603. |

SB 978 (Sen. Daley)

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 11d (MCL 777.11d), as amended by 2018 PA 661.

Senator Daley and Representative Wendzel and Representative Bollin testified in support of HB 5880, HB 5881, SB 977 and SB 978. Questions and discussion followed.

Representative LaFave moved to report SB 977 with recommendation.

The motion prevailed 8-3-2:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak.

Nays: Reps. LaGrand, Guerra, Yancey.

Pass: Reps. Elder, Bolden.

At 8:37 AM, the Chair laid the committee at ease.

At 8:42 AM, the Chair called the committee back to order.

Representative LaFave moved to reconsider the vote by which SB 977 was reported with recommendation.

The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative LaFave moved to pass consideration of SB 977 temporarily.

The motion prevailed without objection.

The Chair laid HB 6205 and HB 6206 before the committee:

HB 6205 (Rep. Chirkun)

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16t of chapter XVII (MCL 777.16t), as amended by 2018 PA 528.

HB 6206 (Rep. Griffin)

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 411y.

Representative Griffin testified in support of HB 6205 and HB 6206. Questions and discussion followed.

The following people submitted a card in support of HB 6205 and HB 6206, but did not wish

to speak:

Ron Farr, representing the Michigan Fire Inspectors Society.

Michael McClier, representing the Michigan State Firemen's Association.

Mark Docherty, representing the Michigan Professional Firefighters Union.

The Chair laid HB 5973 and HB 5974 before the committee:

HB 5973 (Rep. Yaroch) A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 625n (MCL 257.625n), as amended by 2010 PA 155.

HB 5974 (Rep. Yaroch) A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 4708 (MCL 600.4708), as amended by 2014 PA 333.

Representative Yaroch testified in support of HB 5973 and HB 5974. Questions and discussion followed.

The Chair laid HB 5844, HB 5854, HB 5855, HB 5856 and HB 5857 before the committee:

HB 5844 (Rep. Bellino) A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16296 and 16299 (MCL 333.16296 and 333.16299), section 16299 as amended by 2012 PA 499.

HB 5854 (Rep. Sneller) A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 625, 904, 904a, and 905 (MCL 257.625, 257.904, 257.904a, and 257.905), section 625 as amended by 2017 PA 153, section 904 as amended by 2018 PA 212, and section 904a as amended by 1985 PA 53.

HB 5855 (Rep. Brann) A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1599 and 1809 (MCL 380.1599 and 380.1809), section 1809 as added by 1995 PA 96.

HB 5856 (Rep. Steven Johnson) A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 40118, 41105, 47327, 48738, 80177, 80178b, 81134, 82128, and 82129b (MCL 324.40118, 324.41105, 324.47327, 324.48738, 324.80177, 324.80178b, 324.81134, 324.82128, and 324.82129b), section 40118 as amended by 2017 PA 124, sections 41105 and 47327 as added by 1995 PA 57, section 48738 as amended by 2014 PA 541, section 80177 as amended and section 80178b as added by 2014 PA 402, section 81134 as amended by 2014 PA 405, and section 82128 as amended and section 82129b as added by 2014 PA 404.

HB 5857 (Rep. O'Malley)

A bill to amend 1993 PA 354, entitled "Railroad code of 1993," by amending sections 257 and 267 (MCL 462.257 and 462.267).

The following people submitted a card in support of HB 5844, HB 5854 and HB 5856, but did not wish to speak:

Elizabeth Kutter, representing Wayne State University.

The following people submitted a card in support of HB 5844, HB 5854, HB 5855, HB 5856 and HB 5857, but did not wish to speak:

Stephanie Johnson, representing the Michigan Association of Chiefs of Police.

Representative Farrington moved to report out HB 5844 with recommendation. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative LaFave moved to adopt substitute (H-1) to HB 5854. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative Howell moved to report out HB 5854 with recommendation, as substitute (H-1). The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative Rendon moved to report out HB 5855 with recommendation. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative Howell moved to adopt substitute (H-1) to HB 5856. The motion prevailed

13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative Steven Johnson moved to report out HB 5856 with recommendation, as substitute (H-1). The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative LaFave moved to report out HB 5857 with recommendation. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

The Chair laid HB 5540 before the committee:

HB 5540 (Rep. LaFave)

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 1602 (MCL 324.1602), as added by 1995 PA 60, and by adding section 1507.

Representative LaFave testified in support of HB 5540. Questions and discussion followed.

Craig Brunet and Steve Burton, representing the Michigan Department of Natural Resources, testified in opposition to HB 5540. Questions and discussion followed.

The following people submitted a card in support of HB 5540, but did not wish to speak:

Senator Ed McBroom.

The Chair laid HB 4855 and HB 4854 before the committee:

HB 4855 (Rep. Brann)

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16t of chapter XVII (MCL 777.16t), as amended by 2018 PA 528.

HB 4854 (Rep. Brann)

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 411y.

Representative Brann; Dustin Cook, representing Kent County and the City of Wyoming; Kimberly Koster, representing the Wyoming Department of Public Safety; and Chris Becker, Kent County Prosecutor, testified in support of HB 4855 and HB 4854.

The following people submitted a card in support of HB 4854, but did not wish to speak:
Sgt. Chris Gerard, representing the Michigan State Police.

The following people submitted a card with a neutral position on HB 4855, but did not wish to speak:
Sgt. Chris Gerard, representing the Michigan State Police.

The Chair laid SB 533 before the committee:

SB 533 (Sen. Lucido)	A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 529 (MCL 750.529), as amended by 2004 PA 128.
----------------------	------------------------------------------------------------------------------------------------------------------------------------

Representative Steven Johnson moved to report out SB 533 with recommendation. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

The Chair laid HB 6169 and HB 6170 before the committee:

HB 6169 (Rep. VanSingel)	A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 552b (MCL 750.552b), as added by 1996 PA 232.
--------------------------	------------------------------------------------------------------------------------------------------------------------------------

HB 6170 (Rep. VanSingel)	A bill to amend 1909 PA 17, entitled "An act to prohibit or limit the access by prisoners and by employees of correctional facilities to certain weapons and wireless communication devices and to alcoholic liquor, drugs, medicines, poisons, and controlled substances in, on, or outside of correctional facilities; to prohibit or limit the bringing into or onto certain facilities and real property, and the disposition of, certain weapons, substances, and wireless communication devices; to prohibit or limit the selling, giving, or furnishing of certain weapons, substances, and wireless communication devices to prisoners; to prohibit the control or possession of certain weapons, substances, and wireless communication devices by prisoners; and to prescribe penalties," by amending sections 1a and 3a (MCL 800.281a and 800.283a), section 1a as amended by 1998 PA 514 and section 3a as amended by 2012 PA 255.
--------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Representative Howell moved to report out HB 6169 with recommendation. The motion prevailed 12-1-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Elder, Yancey, Bolden.

Nays: Rep. Guerra.

Pass: None.

Representative Howell moved to report out HB 6170 with recommendation. The motion prevailed 12-1-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Elder, Yancey, Bolden.

Nays: Rep. Guerra.

Pass: None.

Chariman Filler returned to HB 5880, HB 5881, SB 977 and SB 978.

Representative LaFave moved to adopt substitute (H-2) to HB 5880. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative LaFave moved to report out HB 5880 with recommendation, as substitute (H-2). The motion prevailed 7-4-2:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Wozniak.

Nays: Reps. LaGrand, Guerra, Yancey, Bolden.

Pass: Reps. Berman, Elder.

Representative LaFave moved to adopt substitute (H-3) to HB 5881. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative LaFave moved to report out HB 5881 with recommendation, as substitute (H-3). The motion prevailed 8-5-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak.

Nays: Reps. LaGrand, Guerra, Elder, Yancey, Bolden.

Pass: None.

Representative LaFave moved to adopt substitute (H-2) to SB 977. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative LaFave moved to report out SB 977 with recommendation, as substitute (H-2). The motion prevailed 7-4-2:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Wozniak.

Nays: Reps. LaGrand, Guerra, Yancey, Bolden.

Pass: Reps. Berman, Elder.

Representative LaFave moved to adopt substitute (H-3) to SB 978. The motion prevailed 13-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Nays: None.

Pass: None.

Representative LaFave moved to report out SB 978 with recommendation, as substitute (H-3). The motion prevailed 8-4-1:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak.

Nays: Reps. LaGrand, Elder, Yancey, Bolden.

Pass: Rep. Guerra.

Chairman Filler returned to HB 6169 and HB 6170 for further questions and discussion.

There being no further business before the committee, Chair Filler adjourned the meeting at 9:48 AM.

Representative Graham Filler, Chair

Melissa Sweet
Committee Clerk
msweet@house.mi.gov