

**MINUTES OF THE COMMITTEE
ON
JUDICIARY**

Thursday, February 27, 2014

9:00 a.m.

Room 521 House Office Building

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

Members present: Reps. Cotter, Kesto, Heise, Johnson, LaFontaine, Leonard, Howrylak, Cavanaugh, Lipton, Irwin, Clemente.

Members absent/excused: None.

Representative LaFontaine moved to approve the minutes of the February 20, 2014 meeting. There being no objection, the motion prevailed by unanimous consent.

The Chair laid HB 4155, HB 5324, HB 5325, HB 5326, HB 5327, HB 5328, and HB 5329 before the committee:

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|---------|------------|---|
| HB 4155 | (Nesbitt) | Weapons; licensing; certain firearm licensing information; exempt from freedom of information act. |
| HB 5324 | (Jenkins) | Weapons; licensing; firearm records; clarify exemption under the freedom of information act. |
| HB 5325 | (Crawford) | Weapons; licensing; definition of firearms records; provide for. |
| HB 5326 | (McBroom) | Weapons; licensing; firearms records; clarify what records are exempt under the freedom of information act. |
| HB 5327 | (Rendon) | Weapons; licensing; firearms records; exempt from freedom of information act and provide for disclosure only under certain circumstances. |
| HB 5328 | (Cotter) | Weapons; licensing; firearm records; clarify what is exempt under the freedom of information act. |
| HB 5329 | (Pettalia) | Criminal procedure; sentencing guidelines; sentencing guideline for certain firearm licensing information; provide for. |

Lisa McGraw, representing the Michigan Press Association, submitted a card in opposition to all the bills, but did not wish to speak.

Shelli Weisberg, representing the American Civil Liberties Union of Michigan, submitted a card in opposition to HB 4155 and HB 5327, but did not wish to speak.

Substitute (H-3) to HB 4155 was previously adopted on 02/20/2014.

Representative Irwin offered the following amendment to HB 4155 (H-3):

1. Amend page 5, following line 16, by inserting:
"(h) House Bill No. 4774."

Representative Irwin moved to adopt the amendment to HB 4155 (H-3). The motion did not prevail 2-5-0

UNFAVORABLE ROLL CALL

Yeas: Reps. Irwin, Clemente.
Nays: Reps. Cotter, Johnson, LaFontaine, Leonard, Howrylak.
Pass: None.

Representative LaFontaine moved to report HB 4155 as substitute (H-3) with recommendation. The motion did not prevail 5-1-2.

UNFAVORABLE ROLL CALL

Yeas: Reps. Cotter, Johnson, LaFontaine, Leonard, Howrylak.
Nays: Rep. Clemente.
Pass: Reps. Lipton, Irwin.

Representative Leonard moved to reconsider the vote by which HB 4155 failed. The motion prevailed 7-0-1.

FAVORABLE ROLL CALL

Yeas: Reps. Cotter, Johnson, LaFontaine, Leonard, Howrylak, Lipton, Clemente.
Nays: None.
Pass: Rep. Irwin.

Representative Johnson moved to report HB 4155 as substitute (H-3) with recommendation. The motion prevailed 6-0-2.

FAVORABLE ROLL CALL

Yeas: Reps. Cotter, Johnson, LaFontaine, Leonard, Howrylak, Clemente.
Nays: None
Pass: Reps. Lipton, Irwin.

Representative Irwin offered the following amendment to HB 5324:

1. Amend page 5, following line 11, by inserting:
"(h) House Bill No. 4774."

Representative Irwin moved to adopt the amendment to HB 5324. The motion did not prevail 3-5-0

UNFAVORABLE ROLL CALL

Yeas: Reps. Lipton, Irwin, Clemente.
Nays: Reps. Cotter, Johnson, LaFontaine, Leonard, Howrylak.
Pass: None.

Representative Johnson moved to report HB 5324 with recommendation. The motion prevailed 7-0-

3.

FAVORABLE ROLL CALL

Yeas: Reps. Cotter, Kesto, Heise, Johnson, LaFontaine, Leonard, Howrylak.

Nays: None.

Pass: Reps. Lipton, Irwin, Clemente.

Jeff Wiggins, representing Representative Nesbitt's office, testified on the proposed changes to HB 5325.

Representative Leonard offered the following amendment to HB 5325:

1. Amend page 2, line 9, after "**SECTIONS**" by inserting "**2**".

Representative Kesto moved to adopt the amendment to HB 5325. The motion prevailed 10-0-0

FAVORABLE ROLL CALL

Yeas: Reps. Cotter, Kesto, Heise, Johnson, LaFontaine, Leonard, Howrylak, Lipton, Irwin, Clemente.

Nays: None.

Pass: None.

Representative Irwin offered the following amendment to HB 5325:

1. Amend page 5, following line 3, by inserting:
"(h) House Bill No. 4774."

Representative Irwin moved to adopt the amendment to HB 5325. The motion did not prevail 3-7-0

UNFAVORABLE ROLL CALL

Yeas: Reps. Lipton, Irwin, Clemente.

Nays: Reps. Cotter, Kesto, Heise, Johnson, LaFontaine, Leonard, Howrylak.

Pass: None.

Representative Kesto moved to report HB 5325 with recommendation, as amended. The motion prevailed 7-0-3.

FAVORABLE ROLL CALL

Yeas: Reps. Cotter, Kesto, Heise, Johnson, LaFontaine, Leonard, Howrylak.

Nays: None.

Pass: Reps. Lipton, Irwin, Clemente.

Representative Irwin offered the following amendment to HB 5326:

1. Amend page 6, following line 12, by inserting:
"(h) House Bill No. 4774."

Representative Irwin moved to adopt the amendment to HB 5326. The motion did not prevail 3-7-0

UNFAVORABLE ROLL CALL

Yeas: Reps. Lipton, Irwin, Clemente.

Nays: Reps. Cotter, Kesto, Heise, Johnson, LaFontaine, Leonard, Howrylak.

Pass: None.

Representative Kesto moved to report HB 5326 with recommendation. The motion prevailed 7-0-3.

FAVORABLE ROLL CALL

Yeas: Reps. Cotter, Kesto, Heise, Johnson, LaFontaine, Leonard, Howrylak.

Nays: None.

Pass: Reps. Lipton, Irwin, Clemente.

Jeff Wiggins, representing Representative Nesbitt's office, testified on the proposed changes to HB 5327. Questions and discussion followed.

Representative Kesto moved to adopt substitute (H-1) to HB 5327. The motion prevailed 7-0-4.

FAVORABLE ROLL CALL

Yeas: Reps. Cotter, Kesto, Heise, Johnson, LaFontaine, Leonard, Irwin.

Nays: None.

Pass: Reps. Howrylak, Cavanagh, Lipton, Clemente.

Representative Kesto moved to report HB 5327 as substitute (H-1) with recommendation. The motion prevailed 6-0-5.

FAVORABLE ROLL CALL

Yeas: Reps. Cotter, Kesto, Heise, Johnson, LaFontaine, Leonard,

Nays: None

Pass: Reps. Howrylak, Cavanagh, Lipton, Irwin, Clemente

Representative Kesto moved to report HB 5328 with recommendation. The motion prevailed 7-0-4.

FAVORABLE ROLL CALL

Yeas: Reps. Cotter, Kesto, Heise, Johnson, LaFontaine, Leonard, Howrylak.

Nays: None.

Pass: Reps. Cavanagh, Lipton, Irwin, Clemente.

Representative Heise moved to report HB 5329 with recommendation. The motion prevailed 6-1-4.

FAVORABLE ROLL CALL

Yeas: Reps. Cotter, Kesto, Heise, Johnson, LaFontaine, Leonard.

Nays: Rep. Howrylak.

Pass: Reps. Cavanagh, Lipton, Irwin, Clemente.

The Chair laid SB 610 before the committee:

SB 610 (Green)

Weapons; firearms; manufacture, possession, or transfer of certain short-barreled shotguns or rifles; allow.

Ryan Mitchell, representing Senator Green's office, described the changes made in the proposed substitute.

Representative Kesto moved to adopt substitute (H-1) to SB 610. The motion prevailed 9-0-2.

FAVORABLE ROLL CALL

Yeas: Reps. Cotter, Kesto, Heise, Johnson, LaFontaine, Leonard, Howrylak, Lipton, Clemente.

Nays: None.

Pass: Reps. Cavanagh, Irwin.

Sgt. Amy Dehner, representing the Michigan State Police, submitted a card with a neutral position on the bill, but did not wish to speak.

Representative Kesto moved to report SB 610 as substitute (H-1) with recommendation. The motion prevailed 8-0-3.

FAVORABLE ROLL CALL

Yeas: Reps. Cotter, Kesto, Heise, Johnson, LaFontaine, Leonard, Howrylak, Lipton.

Nays: None

Pass: Reps. Cavanagh, Irwin, Clemente

The Chair laid HB 5091 and HB 5092 before the committee:

HB 5091 (Johnson) Weapons; other; brandishing a firearm; exempt the carrying of a firearm that is holstered or carried on a sling.

HB 5092 (Dillon) Weapons; other; definition of brandish; provide for.

Representative Dillon and Representative Johnson testified in support of their bills.

Tom Lambert and Phillip Hoffmeister, both representing Michigan Open Carry, testified in support of the bills.

Sgt. Amy Dehner, representing the Michigan State Police, submitted a card with a neutral position on the bills, but did not wish to speak.

Representative Heise moved to adopt substitute (H-1) to HB 5091. The motion prevailed 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Cotter, Kesto, Heise, Johnson, LaFontaine, Leonard, Howrylak, Cavanagh, Lipton, Irwin, Clemente.

Nays: None.

Pass: None.

Representative Kesto moved to adopt substitute (H-1) to HB 5092. The motion prevailed 11-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Cotter, Kesto, Heise, Johnson, LaFontaine, Leonard, Howrylak, Cavanagh,

Lipton, Irwin, Clemente.

Nays: None.

Pass: None.

The Chair laid HR 199 before the committee:

HR 199 (Shirkey) A resolution to urge the state of Illinois to recognize Michigan concealed pistol license holders as being automatically legal to carry concealed handguns in the state of Illinois.

Greg Ostrander, representing Representative Shirkey's office, testified in support of the resolution.

Representative Kesto moved to adopt substitute (H-1) to HR 199. The motion prevailed 10-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Cotter, Kesto, Heise, Johnson, LaFontaine, Leonard, Howrylak, Cavanagh,
Lipton, Clemente.

Nays: None.

Pass: None.

There being no further business before the committee, the Chair adjourned the meeting at 9:40 a.m.

Representative Kevin Cotter, Chair_____

Angie Lake, Committee Clerk

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