



## HOUSE OF REPRESENTATIVES

### COMMITTEE ON JUDICIARY

REP. GRAHAM FILLER

CHAIR

## COMMITTEE MEETING MINUTES

Tuesday, October 29, 2019

9:00 AM

Room 519, House Office Building

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

At 9:00 AM, the Chair laid the committee at ease.

At 9:03 AM, the Chair called the committee back to order.

The Chair requested attendance be called:

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

Absent/Excused: None.

Representative Howell moved to adopt the meeting minutes from October 22, 2019. There being no objection, the motion prevailed by unanimous consent.

The Chair laid HB 4735, HB 4736 and HB 4737 before the committee:

HB 4735 (Rep. VanSingel) A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40118 (MCL 324.40118), as amended by 2017 PA 124.

HB 4736 (Rep. Cherry) A bill to amend 1976 PA 442, entitled "Freedom of information act," by amending section 5 (MCL 15.235), as amended by 2018 PA 105.

HB 4737

(Rep. Love) A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 13e (MCL 777.13e), as amended by 2015 PA 189.

Representative VanSingel and Representative Cherry testified in support of HB 4735, HB 4736 and HB 4737. Questions and discussion followed.

The following people submitted a card in support of HB 4735, HB 4736 and HB 4737, but did not wish to speak:

Amy Trotter, representing the Michigan United Conservation Clubs.

Craig Brunet, representing the Michigan Department of Natural Resources.

At 9:15 AM, the Chair laid the committee at ease.

At 9:18 AM, the Chair called the committee back to order.

The Chair laid HB 4980, HB 4981, HB 4982, HB 4983, HB 4984, HB 4985 and HB 5120 before the committee:

HB 4980

(Rep. Leutheuser) A bill to amend 1965 PA 213, entitled “An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties,” by amending sections 1 and 4 (MCL 780.621 and 780.624), section 1 as amended by 2016 PA 336 and section 4 as amended by 2014 PA 335, and by adding section 1b.

HB 4981

(Rep. Wendzel) A bill to amend 1965 PA 213, entitled “An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties,” by amending section 1 (MCL 780.621), as amended by 2016 PA 336.

HB 4982

(Rep. Meerman) A bill to amend 1965 PA 213, entitled “An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe

penalties,” by amending section 1 (MCL 780.621), as amended by 2016 PA 336.

HB 4983

(Rep. Rabhi) A bill to amend 1965 PA 213, entitled “An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties,” by amending section 1 (MCL 780.621), as amended by 2016 PA 336.

HB 4984

(Rep. LaGrand) A bill to amend 1965 PA 213, entitled “An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties,” by amending section 1 (MCL 780.621), as amended by 2016 PA 336.

HB 4985

(Rep. Gay-Dagnogo) A bill to amend 1965 PA 213, entitled “An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties,” by amending section 1 (MCL 780.621), as amended by 2016 PA 336.

HB 5120

(Rep. Robinson) A bill to amend 1965 PA 213, entitled “An act to provide for setting aside the conviction in certain criminal cases; to provide for the effect of such action; to provide for the retention of certain nonpublic records and their use; to prescribe the powers and duties of certain public agencies and officers; and to prescribe penalties,” by amending section 1 (MCL 780.621), as amended by 2016 PA 336.

The following people submitted a card in support of HB 4980, HB 4981, HB 4982, HB 4983, HB 4984 and HB 4985, but did not wish to speak:

Alex Rossman, representing the Michigan League for Public Policy.

David Worthams, representing the Michigan Bankers Association.

Haleigh Krombeen, representing the Michigan Credit Union League.

Delaney McKinley, representing the Michigan Manufacturers Association.  
Wendy Block, representing the Michigan Chamber of Commerce.  
Brian Westrin, representing the Michigan Realtors Association.

The following people submitted a card in support of HB 4980, HB 4981, HB 4982, HB 4983, HB 4984, HB 4985 and HB 5120, but did not wish to speak:

John Cooper, representing Safe and Just Michigan.  
Noah Smith, representing the Criminal Defense Attorneys of Michigan.

The following people submitted a card with a neutral position on HB 4981, HB 4982, HB 4983, HB 4984, HB 4985 and HB 5120, but did not wish to speak:

Daniel Pfannes, representing the Michigan Association of Chiefs of Police.  
Blaine Koops, representing the Michigan Sheriffs' Association.

The following people submitted a card in support of HB 5120, but did not wish to speak:  
Sgt. Chris Gerard, representing the Michigan State Police.

The following people submitted a card in opposition to HB 4980, but did not wish to speak:  
Daniel Pfannes, representing the Michigan Association of Chiefs of Police.  
Blaine Koops, representing the Michigan Sheriffs' Association.

Representative Berman moved to adopt substitute (H-1) to HB 4980. 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 4980 with recommendation, as substitute (H-1). The motion prevailed 12-1-0.

#### FAVORABLE ROLL CALL

Yeas: Reps. Filler, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.  
Nays: Rep. LaFave.  
Pass: None.

Representative Rendon moved to adopt substitute (H-2) to HB 4981. 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 offered the following amendment to HB 4981(H-2):

1. Amend page 2, line 8, by striking out all of subparagraph **(i)** and renumbering the remaining subparagraphs.

Representative LaFave moved to adopt the amendment to HB 4981(H-2). The motion did not prevail 3-10-0:

#### UNFAVORABLE ROLL CALL

Yeas: Reps. LaFave, Steven Johnson, Berman.

Nays: Reps. Filler, Farrington, Howell, Rendon, Wozniak, LaGrand, Guerra, Elder, Yancey, Bolden.

Pass: None.

Representative Farrington moved to report out HB 4981 with recommendation, as substitute (H-2). The motion prevailed 12-1-0.

#### FAVORABLE ROLL CALL

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

Nays: Rep. LaFave.

Pass: None.

Representative Wozniak moved to adopt substitute (H-1) to HB 4982. The motion prevailed 12-0-1:

#### FAVORABLE ROLL CALL

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

Nays: None.

Pass: Rep. LaFave.

Representative Berman moved to report out HB 4982 with recommendation, as substitute (H-1). The motion prevailed 12-1-0.

#### FAVORABLE ROLL CALL

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

Nays: Rep. LaFave.

Pass: None.

Representative Farrington moved to adopt substitute (H-1) to HB 4983. The motion prevailed 12-0-1:

FAVORABLE ROLL CALL

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

Nays: None.

Pass: Rep. LaFave.

Representative LaGrand moved to report out HB 4983 with recommendation, as substitute (H-1). The motion prevailed 12-1-0.

FAVORABLE ROLL CALL

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

Nays: Rep. LaFave.

Pass: None.

Representative Farrington moved to adopt substitute (H-1) to HB 4984. The motion prevailed 12-0-1:

FAVORABLE ROLL CALL

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

Nays: None.

Pass: Rep. LaFave.

Representative Rendon moved to report out HB 4984 with recommendation, as substitute (H-1). The motion prevailed 12-1-0.

FAVORABLE ROLL CALL

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

Nays: Rep. LaFave.

Pass: None.

Representative LaGrand moved to adopt substitute (H-1) to HB 4985. The motion prevailed 12-0-1:

FAVORABLE ROLL CALL

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

Nays: None.

Pass: Rep. LaFave.

Representative Farrington moved to report out HB 4985 with recommendation, as substitute (H-1). The motion prevailed 12-1-0.

FAVORABLE ROLL CALL

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

Nays: Rep. LaFave.

Pass: None.

Representative Bolden moved to adopt substitute (H-1) to HB 5120. The motion prevailed 12-0-1:

FAVORABLE ROLL CALL

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

Nays: None.

Pass: Rep. LaFave.

Representative Steven Johnson moved to report out HB 5120 with recommendation, as substitute (H-1). The motion prevailed 12-1-0.

FAVORABLE ROLL CALL

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

Nays: Rep. LaFave.

Pass: None.

The Chair laid HB 5117 and HB 5118 before the committee:

HB 5117 (Rep. Bolden) A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 6431 and 6452 (MCL 600.6431 and 600.6452).

HB 5118 (Rep. Calley) A bill to amend 2016 PA 343, entitled "Wrongful imprisonment compensation act," by amending section 7 (MCL 691.1757).

Representative Bolden moved to report out HB 5117 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 Steven Johnson moved to report out HB 5118 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.

There being no further business before the committee, Rep. Graham Filler adjourned the meeting at 9:42 AM.

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Representative Graham Filler, Chair

Melissa Sweet  
Committee Clerk  
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