



HOUSE OF REPRESENTATIVES

COMMITTEE ON JUDICIARY
REP. GRAHAM FILLER
CHAIR

COMMITTEE MEETING MINUTES

Tuesday, May 11, 2021

Room 519, House Office Building

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

The Chair requested attendance be called:

Present: Reps. Filler, Mueller, Steven Johnson, Kahle, Rendon, Berman, Wozniak, Clements, LaGrand, Yancey, Hope, Breen.

Absent: Rep. Bolden.

Excused: Rep. Bolden.

Representative Yancey joined the committee remotely.

Representative Mueller moved to adopt the meeting minutes from May 4, 2021. There being no objection, the motion prevailed by unanimous consent.

The Chair laid HB 4698 before the committee:

HB 4698 (Rep. Albert)

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 499.

Representative Filler offered the following amendment to HB 4698:

1. Amend page 2, line 6, by striking out "**and**" and inserting "**or**".

Representative Filler moved to adopt the amendment to HB 4698. The motion prevailed 11-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, Mueller, Steven Johnson, Kahle, Rendon, Berman, Wozniak, Clements, LaGrand, Hope, Breen.

Nays: None.

Pass: None.

Representative Mueller moved to report House Bill No. 4698 as amended, as substitute (H-1). The motion prevailed 11-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, Mueller, Steven Johnson, Kahle, Rendon, Berman, Wozniak, Clements, LaGrand, Hope, Breen.

Nays: None.

Pass: None.

The Chair laid HB 4071 and HB 4072 before the committee:

HB 4071 (Rep. Kahle) A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 136b (MCL 750.136b), as amended by 2020 PA 49.

HB 4072 (Rep. Calley) A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16g of chapter XVII (MCL 777.16g), as amended by 2020 PA 50.

Representative Kahle, testified in support of HB 4071 and HB 4072. Questions and discussion followed.

Megan VanEtten, representing the herself, testified in support of HB 4071 and HB 4072.

Angie Borders, Chief Assistant Prosecutor, representing Lenawee County, testified in support of HB 4071 and HB 4072. Questions and discussion followed.

The following people submitted a card in support of HB 4071 and HB 4072, but did not wish to speak:

Rebecca Mastee, J.D., representing the Michigan Catholic Conference.

The Chair laid SB 400 before the committee:

SB 400 (Sen. McBroom) 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 1d (MCL 780.621d), as added by 2020 PA 190.

Senator McBroom, testified in support of SB 400. Questions and discussion followed.

The following people submitted a card in opposition to SB 400, but did not wish to speak:

Brandon Lanyon, representing the Prosecuting Attorneys Association of Michigan.

Stephanie Zugschwert, J.D., representing the Coalition of Ignition Interlock Manufacturers.

Representative LaGrand moved to report out SB 400 with recommendation. The motion prevailed 11-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, Mueller, Steven Johnson, Kahle, Rendon, Berman, Wozniak, Clements, LaGrand, Hope, Breen.

Nays: None.

Pass: None.

The Chair laid HB 4631 and HB 4632 before the committee:

HB 4631 (Rep. Filler) A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7521a (MCL 333.7521a), as added by 2019 PA 7.

HB 4632 (Rep. Garza) A bill to amend 1978 PA 368, entitled "Public health code," by amending section 7523a (MCL 333.7523a), as added by 2019 PA 8.

The following people submitted a card in opposition to HB 4631 and HB 4632, but did not wish to speak:

Diana Prichard, representing the Americans For Prosperity.

Representative Steven Johnson offered the following amendment to HB 4632:

1. Amend page 3, following line 16, by inserting:

"(7) If property is seized in Wayne County by law enforcement officers appointed by a public airport authority created under section 110 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.110, or by a regional airport authority created under section 139 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.139, and is subsequently forfeited in Wayne County, any forfeited money must be directed to the conviction integrity unit within the Wayne County prosecutor's office."

Representative Steven Johnson moved to adopt the amendment to HB 4632. The motion did not prevail 4-6-1:

UNFAVORABLE ROLL CALL

Yeas: Reps. Steven Johnson, Berman, LaGrand, Breen.

Nays: Reps. Filler, Mueller, Kahle, Rendon, Wozniak, Clements.

Pass: Rep. Hope.

Representative Mueller moved to report out HB 4632 with recommendation. The motion prevailed 8-3-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, Mueller, Kahle, Rendon, Wozniak, Clements, LaGrand, Breen.

Nays: Reps. Steven Johnson, Berman, Hope.

Pass: None.

Representative Mueller moved to report out HB 4631 with recommendation. The motion

prevailed 8-3-0:

FAVORABLE ROLL CALL

Yeas: Reps. Filler, Mueller, Kahle, Rendon, Wozniak, Clements, LaGrand, Breen.

Nays: Reps. Steven Johnson, Berman, Hope.

Pass: None.

The Chair laid HB 4091, HB 4092, HB 4093 and HB 4214 before the committee:

HB 4091 (Rep. Whiteford)	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 2020 PA 191.
HB 4092 (Rep. Filler)	A bill to amend 1927 PA 175, entitled "The code of criminal procedure," (MCL 760.1 to 777.69) by adding section 21d to chapter VIII.
HB 4093 (Rep. Kahle)	A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending section 18e of chapter XIIA (MCL 712A.18e), as amended by 2020 PA 361.
HB 4214 (Rep. Mueller)	A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 27c of chapter VIII (MCL 768.27c), as added by 2006 PA 79.

Kelly Carter, Assistant Attorney General, representing the Michigan Department of Attorney General, testified in support of HB 4091, HB 4092, HB 4093 and HB 4214.

The following people submitted a card in support of HB 4091, HB 4092, HB 4093 and HB 4214, but did not wish to speak:

Brandon Lanyon, representing the Prosecuting Attorneys Association of Michigan.

Elinor Jordan, representing the Michigan Coalition to End Domestic and Sexual Violence.

The following people submitted a card in support of HB 4091, HB 4092 and HB 4093, but did not wish to speak:

Noah Smith, representing the Criminal Defense Attorneys of Michigan.

Alex Rossman, representing the Michigan League for Public Policy.

The following people submitted a card in opposition to HB 4214, but did not wish to speak:

Jessica Zimbelman, representing the State Appellate Defender Office.

Representative Mueller moved to excuse Representative Bolden from the meeting. There

being no objection the motion prevailed by unanimous consent.

There being no further business before the committee, Chairman Filler adjourned the meeting at 9:58 AM.

Representative Graham Filler, Chair

Melissa Sweet
Committee Clerk
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