



HOUSE OF REPRESENTATIVES

COMMITTEE ON JUDICIARY

REP. KELLY A BREEN

CHAIR

COMMITTEE MEETING MINUTES

Wednesday, November 13, 2024 10:30 AM Room 521, House Office Building

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

The Chair requested attendance be called:

Present: Reps. Breen, Edwards, Tyrone Carter, Hope, Dievendorf, Hoskins, Tsernoglou, Fink, Wendzel, Wozniak, Outman, Johnsen.

Absent: Rep. Arbit.

Excused: Rep. Arbit.

Representative Edwards moved to adopt the meeting minutes from June 12, 2024. There being no objection, the motion prevailed by unanimous consent.

The Chair laid HB 5834 and HB 5835 before the committee:

HB 5834 (Rep. Breen)

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 7103, 7105, 7106, 7401, 7403, 7403a, 7451, 7453, and 7455 (MCL 333.7103, 333.7105, 333.7106, 333.7401, 333.7403, 333.7403a, 333.7451, 333.7453, and 333.7455), section 7103 as amended by 1988 PA 60, section 7105 as amended by 1993 PA 80, section 7106 as amended by 2021 PA 60, section 7401 as amended by 2016 PA 548, section 7403 as amended by 2016 PA 307, section 7403a as added by 2010 PA 354, section 7451 as added by 1988 PA 139, section 7453 as amended by 2024 PA 18, and section 7455 as amended by 2024 PA 19.

HB 5835 (Rep. Breen)

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 13m (MCL 777.13m), as amended by 2016 PA 549.

Chair Breen testified in support of HB 5834 and HB 5835.

The following people submitted a card in support of HB 5834 and HB 5835, but did not wish to speak:

Susan Lanstra, representing the State Public Affairs Committee of the Junior Leagues of Michigan.

Bonnifer Ballard, representing the Michigan Veterinary Medical Association.

Representative Tyrone Carter moved to adopt substitute (H-1) to HB 5834. The motion prevailed 12-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Dievendorf, Hoskins, Tsernoglou, Fink, Wendzel, Wozniak, Outman, Johnsen.

Nays: None.

Pass: None.

Representative Hope moved to report out HB 5834 with recommendation, as substitute (H-1). The motion prevailed 9-0-3:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Dievendorf, Hoskins, Tsernoglou, Wozniak, Johnsen.

Nays: None.

Pass: Reps. Fink, Wendzel, Outman.

Representative Dievendorf moved to report out HB 5835 with recommendation. The motion prevailed 9-0-3:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Dievendorf, Hoskins, Tsernoglou, Wozniak, Johnsen.

Nays: None.

Pass: Reps. Fink, Wendzel, Outman.

The Chair laid HB 5836, HB 5837, HB 5838, HB 5839, HB 5840, HB 5841, HB 5842, HB 5843, HB 5844, HB 5845, HB 5846, HB 5847, HB 5848, HB 5849, HB 5850, HB 5851, HB 5852, HB 5853, HB 5854, HB 5864, SB 515, SB 516 and SB 517 before the committee:

HB 5836 (Rep. Breen)

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 2023 PA 205.

HB 5837 (Rep. Koleszar)

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 5838 (Rep. Glanville)

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 5839 (Rep. Miller)

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 451 (MCL 750.451), as amended by 2016 PA 338.

HB 5840 (Rep. Fitzgerald)

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 462g (MCL 750.462g), as amended by 2017 PA 53.

HB 5841 (Rep. Xiong)

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending the heading of chapter LXVII and sections 13, 159g, 167, 411j, 448, 449, 450, 451, 451a, 451c, 452, 454, 455, 456, 457, 458, 459, 460, 462, and 520m (MCL 750.13, 750.159g, 750.167, 750.411j, 750.448, 750.449, 750.450, 750.451, 750.451a, 750.451c, 750.452, 750.454, 750.455, 750.456, 750.457, 750.458, 750.459, 750.460, 750.462, and 750.520m), section 13 as amended by 2015 PA 210, section 159g as amended by 2022 PA 174, section 167 as amended by 2014 PA 199, section 411j as amended by 2019 PA 171, section 448 as amended by 2002 PA 45, sections 449 and 462 as amended by 2002 PA 46, section 450 as amended by 2014 PA 326, section 451 as amended by 2016 PA 338, section 451a as amended by 2017 PA 195, section 451c as amended by 2017 PA 34, sections 452, 455, 456, 457, 458, and 460 as amended by 2014 PA 331, section 454 as amended by 2002 PA 672, section 459 as amended by 2016 PA 485, and section 520m as amended by 2014 PA 459; and to repeal acts and parts of acts.

HB 5842 (Rep. Tyrone Carter)

A bill to amend 1990 PA 250, entitled "DNA identification profiling system act," by amending section 6 (MCL 28.176), as amended by 2023 PA 302.

HB 5843 (Rep. Witwer)

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 2, 13a, and 18k of chapter XIIA (MCL 712A.2, 712A.13a, and 712A.18k), section 2 as amended by 2019 PA 113, section 13a as amended by 2022 PA 200, and section 18k as amended by 2014 PA 458.

- HB 5844 (Rep. Hill) A bill to amend 1988 PA 73, entitled "The juvenile facilities act," by amending section 5a (MCL 803.225a), as amended by 2001 PA 90.
- HB 5845 (Rep. Steckloff) A bill to amend 1974 PA 150, entitled "Youth rehabilitation services act," by amending section 7a (MCL 803.307a), as amended by 2001 PA 85.
- HB 5846 (Rep. Hope) A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5129 (MCL 333.5129), as amended by 2016 PA 70.
- HB 5847 (Rep. Wozniak) A bill to amend 1895 PA 215, entitled "The fourth class city act," by amending section 1 of chapter XI (MCL 91.1), as amended by 2018 PA 499.
- HB 5848 (Rep. McFall) A bill to amend 1996 IL 1, entitled "Michigan Gaming Control and Revenue Act," by amending section 7c (MCL 432.207c), as amended by 2019 PA 158.
- HB 5849 (Rep. Mentzer) A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 3801 (MCL 600.3801), as amended by 2014 PA 387.
- HB 5850 (Rep. Johnsen) A bill to amend 1973 PA 116, entitled "An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts," by amending section 5r (MCL 722.115r), as added by 2017 PA 256.
- HB 5851 (Rep. Edwards) A bill to amend 1975 PA 238, entitled "Child protection law," by amending section 2 (MCL 722.622), as amended by 2022 PA 67.
- HB 5852 (Rep. Outman) A bill to amend 2016 PA 62, entitled "Human trafficking notification act," by amending section 3 (MCL 752.1033).
- HB 5853 (Rep. Pohutsky) A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending section 2 (MCL 28.722), as amended by 2020 PA 295.
- HB 5854 (Rep. Paiz) A bill to amend 1998 PA 58, entitled "Michigan liquor control code of 1998," by amending section 906 (MCL 436.1906), as amended by 2008 PA 218.

HB 5864 (Rep. Brabec)	A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16w of chapter XVII (MCL 777.16w), as amended by 2016 PA 486.
SB 515 (Sen. Bayer)	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.
SB 516 (Sen. Shink)	A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 27b of chapter VIII (MCL 768.27b), as amended by 2018 PA 372.
SB 517 (Sen. Chang)	A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 462g (MCL 750.462g), as amended by 2017 PA 53.

Melissa Palepu and Ashley Steffen, representing the Michigan Department of Attorney General, testified together in support of HB 5836, HB 5837, HB 5838, HB 5839, HB 5840, HB 5841, HB 5842, HB 5843, HB 5844, HB 5845, HB 5846, HB 5847, HB 5848, HB 5849, HB 5850, HB 5851, HB 5852, HB 5853, HB 5854, HB 5864, SB 515, SB 516 and SB 517. Questions and discussion followed.

Karen Moore, representing the Sanctum House, testified in support of HB 5836, HB 5837, HB 5838, HB 5839, HB 5840, HB 5841, HB 5842, HB 5843, HB 5844, HB 5845, HB 5846, HB 5847, HB 5848, HB 5849, HB 5850, HB 5851, HB 5852, HB 5853, HB 5854, HB 5864, SB 515, SB 516 and SB 517.

Irene Faziani, representing the Sanctum House and herself as a survivor, testified in support of HB 5836, HB 5837, HB 5838, HB 5839, HB 5840, HB 5841, HB 5842, HB 5843, HB 5844, HB 5845, HB 5846, HB 5847, HB 5848, HB 5849, HB 5850, HB 5851, HB 5852, HB 5853, HB 5854, HB 5864, SB 515, SB 516 and SB 517.

Robin Bolz, representing Unsilenced Battle Creek and Kalamazoo, testified in support of HB 5836, HB 5837, HB 5838, HB 5839, HB 5840, HB 5841, HB 5842, HB 5843, HB 5844, HB 5845, HB 5846, HB 5847, HB 5848, HB 5849, HB 5850, HB 5851, HB 5852, HB 5853, HB 5854, HB 5864, SB 515, SB 516 and SB 517. Questions and discussion followed.

The following person submitted a card in support of HB 5836, HB 5837, HB 5838, HB 5839, HB 5840, HB 5841, HB 5842, HB 5843, HB 5844, HB 5845, HB 5846, HB 5847, HB 5848, HB 5849, HB 5850, HB 5851, HB 5852, HB 5853, HB 5854, HB 5864, SB 515, SB 516 and SB 517, but due to the time constraints was unable to speak:

Rita O'Brien, representing herself.

The following person submitted a card with a neutral position on HB 5837, but due to the time constraints was unable to speak:

Amanda Slingerland, representing Unsilenced.

The following people submitted a card in support of HB 5836, HB 5837, HB 5838, HB 5839, HB 5840, HB 5841, HB 5842, HB 5843, HB 5844, HB 5845, HB 5846, HB 5847, HB 5848, HB 5849, HB 5850, HB 5851, HB 5852, HB 5853, HB 5854, HB 5864, SB 515, SB 516 and SB 517,

Heath B. Lowry, representing the Michigan Coalition to End Domestic and Sexual Violence.

Ryan Leonard, representing Unsilenced.

Jasmine Miller, representing Unsilenced.

Esther Leonard, representing Unsilenced and Battle Creek Anti Human Trafficking Coalition.

Susan Lanstra, representing the State Public Affairs Committee of the Junior Leagues of Michigan.

Sara Morley LaCroix, representing the Kalamazoo Area Anti Human Trafficking Coalition.

The following people submitted a card in support of HB 5836, HB 5837, HB 5838, HB 5839, HB 5840, HB 5841, HB 5842, HB 5843, HB 5844, HB 5845, HB 5846, HB 5847, HB 5848, HB 5849, HB 5850, HB 5851, HB 5852, HB 5853, HB 5854 and HB 5864 but did not wish to speak:

Carrie Strohkirch, Chair and President, representing The State Public Affairs Committee (SPAC) for the Michigan State Council of Junior Leagues.

Jamie Roberts, representing Unsilenced Battle Creek.

Tom Hickson, representing the Michigan Catholic Conference.

Leathan Schluckbier, representing Unsilenced Battle Creek / Kalamazoo.

Ed Bolz, representing Unsilenced.

The following person submitted a card in support of HB 5837, HB 5838, HB 5839, HB 5840, HB 5841, HB 5842, HB 5843, HB 5844, HB 5845, HB 5846, HB 5847, HB 5848, HB 5849, HB 5850, HB 5851, HB 5852, HB 5853, HB 5854 but did not wish to speak:

Jess Averill, representing the Michigan Domestic and Sexual Violence Prevention and Treatment Board.

Senator Bayer, Cindy Brown, representing the Oakland County Prosecutor's Office, and Brian Martin, representing Law Enforcement, testified together in support of SB 515, SB 516 and SB 517. Questions and discussion followed.

The following person submitted a card in support of SB 515, SB 516 and SB 517, but did not wish to speak:

Sgt. Kristina Droste, representing the Michigan State Police.

Representative Brabec testified in support of HB 5864.

Representative Edwards moved to report out HB 5836 with recommendation. The motion prevailed 12-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Dievendorf, Hoskins, Tsernoglou, Fink, Wendzel, Wozniak, Outman, Johnsen.

Nays: None.

Pass: None.

Representative Tyrone Carter moved to adopt substitute (H-1) to HB 5837. The motion prevailed 12-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Dievendorf, Hoskins, Tsernoglou, Fink, Wendzel, Wozniak, Outman, Johnsen.

Nays: None.

Pass: None.

Representative Edwards moved to report out HB 5837 with recommendation, as substitute (H-1). The motion prevailed 12-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Dievendorf, Hoskins, Tsernoglou, Fink, Wendzel, Wozniak, Outman, Johnsen.

Nays: None.

Pass: None.

Representative Tsernoglou moved to report out HB 5839 with recommendation. The motion prevailed 12-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Dievendorf, Hoskins, Tsernoglou, Fink, Wendzel, Wozniak, Outman, Johnsen.

Nays: None.

Pass: None.

Representative Edwards moved to report out HB 5840 with recommendation. The motion prevailed 12-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Dievendorf, Hoskins, Tsernoglou, Fink, Wendzel, Wozniak, Outman, Johnsen.

Nays: None.

Pass: None.

Representative Edwards moved to adopt substitute (H-2) to HB 5841. The motion prevailed 12-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Dievendorf, Hoskins, Tsernoglou, Fink, Wendzel, Wozniak, Outman, Johnsen.

Nays: None.

Pass: None.

Representative Hope moved to report out HB 5841 with recommendation, as substitute (H-2). The motion prevailed 12-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Dievendorf, Hoskins, Tsernoglou, Fink, Wendzel, Wozniak, Outman, Johnsen.

Nays: None.

Pass: None.

Representative Hope moved to report out HB 5842 with recommendation. The motion prevailed 12-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Dievendorf, Hoskins, Tsernoglou, Fink, Wendzel, Wozniak, Outman, Johnsen.

Nays: None.

Pass: None.

Representative Dievendorf moved to report out HB 5843 with recommendation. The motion prevailed 12-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Dievendorf, Hoskins, Tsernoglou, Fink, Wendzel, Wozniak, Outman, Johnsen.

Nays: None.

Pass: None.

Representative Dievendorf moved to report out HB 5844 with recommendation. The motion prevailed 12-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Dievendorf, Hoskins, Tsernoglou, Fink, Wendzel, Wozniak, Outman, Johnsen.

Nays: None.

Pass: None.

Representative Hoskins moved to report out HB 5845 with recommendation. The motion prevailed 12-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Dievendorf, Hoskins, Tsernoglou, Fink, Wendzel, Wozniak, Outman, Johnsen.

Nays: None.

Pass: None.

Representative Hope moved to report out HB 5846 with recommendation. The motion prevailed 12-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Dievendorf, Hoskins, Tsernoglou, Fink, Wendzel, Wozniak, Outman, Johnsen.

Nays: None.

Pass: None.

Representative Wozniak moved to report out HB 5847 with recommendation. The motion prevailed 12-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Dievendorf, Hoskins, Tsernoglou, Fink, Wendzel, Wozniak, Outman, Johnsen.

Nays: None.

Pass: None.

Representative Dievendorf moved to report out HB 5848 with recommendation. The motion prevailed 12-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Dievendorf, Hoskins, Tsernoglou, Fink, Wendzel, Wozniak, Outman, Johnsen.

Nays: None.

Pass: None.

Representative Hoskins moved to report out HB 5849 with recommendation. The motion prevailed 12-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Dievendorf, Hoskins, Tsernoglou, Fink, Wendzel, Wozniak, Outman, Johnsen.

Nays: None.

Pass: None.

Representative Johnsen moved to report out HB 5850 with recommendation. The motion prevailed 12-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Dievendorf, Hoskins, Tsernoglou, Fink, Wendzel, Wozniak, Outman, Johnsen.

Nays: None.

Pass: None.

Representative Edwards moved to report out HB 5851 with recommendation. The motion prevailed 12-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Dievendorf, Hoskins, Tsernoglou, Fink, Wendzel, Wozniak, Outman, Johnsen.

Nays: None.

Pass: None.

Representative Outman moved to report out HB 5852 with recommendation. The motion prevailed 12-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Dievendorf, Hoskins, Tsernoglou, Fink, Wendzel, Wozniak, Outman, Johnsen.

Nays: None.

Pass: None.

Representative Tyrone Carter moved to adopt substitute (H-1) to HB 5853. The motion prevailed 12-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Dievendorf, Hoskins, Tsernoglou, Fink, Wendzel, Wozniak, Outman, Johnsen.

Nays: None.

Pass: None.

Representative Hope moved to report out HB 5853 with recommendation, as substitute (H-1). The motion prevailed 12-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Dievendorf, Hoskins, Tsernoglou, Fink, Wendzel, Wozniak, Outman, Johnsen.

Nays: None.

Pass: None.

Representative Dievendorf moved to report out HB 5854 with recommendation. The motion prevailed 12-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Dievendorf, Hoskins, Tsernoglou, Fink, Wendzel, Wozniak, Outman, Johnsen.

Nays: None.

Pass: None.

Representative Dievendorf moved to report out HB 5864 with recommendation. The motion prevailed 12-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Dievendorf, Hoskins, Tsernoglou, Fink, Wendzel, Wozniak, Outman, Johnsen.

Nays: None.

Pass: None.

Representative Hoskins moved to adopt substitute (H-2) to SB 515. The motion prevailed 12-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Dievendorf, Hoskins, Tsernoglou, Fink, Wendzel, Wozniak, Outman, Johnsen.

Nays: None.

Pass: None.

Representative Edwards moved to report out SB 515 with recommendation, as substitute (H-2). The motion prevailed 12-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Dievendorf, Hoskins, Tsernoglou, Fink, Wendzel, Wozniak, Outman, Johnsen.

Nays: None.

Pass: None.

Representative Edwards moved to adopt substitute (H-1) to SB 516. The motion prevailed 12-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Dievendorf, Hoskins, Tsernoglou, Fink, Wendzel, Wozniak, Outman, Johnsen.

Nays: None.

Pass: None.

Representative Tyrone Carter moved to report out SB 516 with recommendation, as substitute (H-1). The motion prevailed 12-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Dievendorf, Hoskins, Tsernoglou, Fink, Wendzel, Wozniak, Outman, Johnsen.

Nays: None.

Pass: None.

Representative Hope moved to adopt substitute (H-2) to SB 517. The motion prevailed 12-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Dievendorf, Hoskins, Tsernoglou, Fink, Wendzel, Wozniak, Outman, Johnsen.

Nays: None.

Pass: None.

Representative Dievendorf moved to report out SB 517 with recommendation, as substitute (H-2). The motion prevailed 12-0-0:

FAVORABLE ROLL CALL

Yeas: Reps. Breen, Edwards, Tyrone Carter, Hope, Dievendorf, Hoskins, Tsernoglou, Fink, Wendzel, Wozniak, Outman, Johnsen.

Nays: None.

Pass: None.

Representative Edwards moved to excuse Representative Arbit from the meeting. There being no objection the motion prevailed by unanimous consent.

There being no further business before the committee, Chair Breen adjourned the meeting at 12:07 PM.

Representative Kelly Breen, Chair

Melissa Sweet
Committee Clerk
msweet@house.mi.gov

PROPOSED