

**State Bar of Michigan  
Criminal Jurisprudence and Practice Committee  
April 16, 2010 at 2:00 p.m.  
at the State Bar of Michigan Building  
Teleconference Option: 1-800-270-1153, Passcode is 134891#.**

**MINUTES**

Committee Members: Daniel Corrigan Grano, Abed E. Hammoud, Timothy Hilton Havis, James W. Heath, Hon. David A. Hoort, John A. Jarema, John L. Livesay, J. Kevin McKay, Thomas C. Rombach, Gretchen A. Schlaff

SBM Staff: Elizabeth Lyon, Carrie Sharlow

1. Call to Order & Welcome
2. Update on Juvenile Competency Legislation: Currently, there is a workgroup involved in negotiating the bill draft. In March, the Board of Commissioners authorized the Committee to advocate its position. The Committee should keep in touch with Elizabeth Lyon with regards to continued concerns on the bills and movement.
3. Approval of Minutes – The minutes were unanimously approved.
4. Old Business
  - a. Assessments of Criminals  
[HB 5661](#) (McDowell) Crime victims; other; assessments against certain criminal defendants and juvenile offenders; increase. Amends sec. 5 of [1989 PA 196](#) (MCL [780.905](#)).  
Status: 03/17/10 Referred to Senate Committee on Appropriations  
Liaisons: John A. Jarema and Michael Howard Gordner

The motion to oppose due to the committee foreseeing unintended consequences was seconded and supported. While the committee understands that the state is in need of funds, we feel that this is not the way to go about obtaining it. This bill would take money from the local government (90% of the fee) and give it to the state. Further, it is felt that there is little point in raising a fee for a criminal offender if the person cannot pay; debtors' prison not longer exists.

An e-vote will be sent out.

5. New Business
  - a. [HB 5995](#) (Sheltrown) Criminal procedure; expunction; destruction of fingerprint records and arrest card for juveniles who successfully complete probation; allow. Amends sec. 3 of [1925 PA 289](#) (MCL [28.243](#)).  
Status: 04/13/10 Referred to Second Reading (House)  
Liaisons: Hon. David Hoort and Abed E. Hammoud

There was a good deal of discussion as to whether destroyed fingerprints and arrest cards would still be accessible by certain government associations.

The motion to support and amend the bill was seconded and supported. The committee supports the bill with an amendment allowing for the destruction of a juvenile's fingerprints and arrest card if there is a legally authorized dismissal, with a non-public, law enforcement exception for the retention of the juvenile's fingerprints and arrest card for any assaultive, criminal sexual conduct, delivery of a controlled substance or for an offense which would constitute a felony if committed by an adult.

The further motion was made and supported to move Line 20 from Page 5 "Section 2(a)(1) of chapter XIA of the probate code of 1939, 1939 PA 288, MCL 712a.2, or has had his or her alleged juvenile offense dismissed after successfully completing a period of probation." as a new section 9(g).

An e-vote will be sent out.

b. [ADM File No. 2010-08 Proposal to Rescind Administrative Order No. 2003-7 and Adopt Administrative Order No. 2010-X \(Caseflow Management Guidelines\)](#)

This proposal would update the guidelines contained in Administrative Order 2003-7. The following list summarizes the changes that would be made by the proposed order.

1. Add to the beginning of the order language about good cause for delays and remove related language from specific case categories.
2. Move to the beginning of the order language about matters submitted to judge (this language currently exists at the end of the order).
3. Eliminate all interim guidelines, leaving only initial and final guidelines.
4. Decrease time for adjudicating 90% of mental illness petitions from 14 to 7 days. This time frame would apply to probate and circuit courts.
5. Eliminate guidelines for miscellaneous cases in probate court.
6. Decrease the percentage for preliminary examinations within 14 days from 100% to 80%. Add a 100% guideline for conclusion within 28 days. Extend the goals to include both commencement and conclusion of the examination.
7. Increase the time for adjudicating 90% of divorce cases without children from 91 to 182 days.
8. Increase the time for adjudicating 90% of divorce cases with children from 245 to 301 days.
9. Eliminate guidelines for responding interstate registration cases.
10. Increase the time for adjudicating name change from 91 to 126 days.
11. Increase the time for adjudicating 90% of felony cases from 91 to 154 days.

Issued: March 22, 2010

Comment period expires: July 1, 2010

Public hearing: To be scheduled

Liaisons: J. Kevin McKay and Erika S. Julien

The motion was made to support the changes and was seconded and supported.

An e-vote will be sent out.

6. Reports from Other Committees – A report from the Board of Commissioners and the Public Policy, Image and Identity Committee on the positions sent from this Committee.

The District Court Administrator's Office is trying to come up with a list of statutes that need to be updated as well as setting up a regular review schedule on statutes.

Elizabeth Lyon gave an update on the Judicial Crossroads Task Force and its committees. The recommendations are due in June and a report will be published in September.

HB 5676 may have a third hearing on April 27.

7. Committee Projects

8. Adjournment.