State Bar of Michigan

Criminal Jurisprudence and Practice Committee February 19, 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: John C. Boufford, Haytham Faraj, Abed E. Hammoud, James W. Heath, Hon.

David A. Hoort, Adam D. Mittman, Angela Povilaitis, Gretchen A. Schlaff

Committee Advisors: J. Kevin McKay

Committee Commissioner: Thomas C. Rombach

SBM Staff: Carrie Sharlow

1. Call to Order & Welcome

- 2. Approval of Minutes The minutes were approved unanimously.
- 3. Old Business
 - a. Juvenile Competency

<u>HB 5174</u> (Segal) Juveniles; criminal procedure; juvenile competency and culpability; clarify. Amends sec. 1, ch. XIIA of <u>1939 PA 288</u> (MCL 712A.1) & adds secs. 18n, 18o, 18p, 18q & 18r to ch. XIIA.

Status: 07/14/09 Referred to House Judiciary

<u>HB 5175</u> (Schuitmaker) Juveniles; criminal procedure; juvenile competency and culpability; clarify. Amends <u>1974 PA 258</u> (MCL <u>330.1001</u> - <u>330.2106</u>) by adding secs. 1060, 1060a, 1060b, 1062, 1064, 1066, 1068 & 1070.

Status: 07/14/09 Referred to House Judiciary

HB 5482 (Liss) Mental health; forensic; restoration of juvenile to competency to proceed; clarify. Amends 1974 PA 258 (MCL 330.1001 - 330.2106) by adding secs. 1060c & 1072. Status: 12/03/09 Before House Judiciary: Mental Health

<u>HB 5483</u> (Kowall) Juveniles; criminal procedure; restoration of juvenile to competency to proceed; clarify. Amends sec. 1, ch. XIIA of <u>1939 PA 288</u> (MCL 712A.1) & adds sec. 18s. Status: 12/03/09 Before House Judiciary: Mental Health

<u>HB 5484</u> (Segal) Juveniles; criminal procedure; certain statements made during juvenile competency evaluation; clarify. Amends <u>1939 PA 288</u> (MCL <u>710.21</u> - 712A.32) by adding sec. 18r to ch. XIIA.

Status: 12/03/09 Before House Judiciary: Mental Health

<u>HB 5485</u> (Lipton) Juveniles; criminal procedure; juvenile competency definitions; clarify. Amends sec. 1, ch. XIIA of <u>1939 PA 288</u> (MCL 712A.1).

Status: 12/03/09 Before House Judiciary: Mental Health

HB 5486 (Crawford) Juveniles; criminal procedure; juvenile competency hearing; require.

Amends <u>1939 PA 288</u> (MCL <u>710.21</u> - 712A.32) by adding sec. 18q to ch. XIIA.

Status: 12/03/09 Before House Judiciary: Mental Health

HB 5487 (Byrnes) Juveniles; criminal procedure; juvenile competency and evaluation; clarify.

Amends <u>1939 PA 288</u> (MCL <u>710.21</u> - 712A.32) by adding sec. 18n to ch. XIIA.

Status: 12/03/09 Before House Judiciary: Mental Health

<u>HB 5488</u> (Bauer) Juveniles; criminal procedure; juvenile competency evaluation; require use of a qualified examiner. Amends <u>1939 PA 288</u> (MCL <u>710.21</u> - 712A.32) by adding sec. 180 to ch. XIIA.

Status: 12/03/09 Before House Judiciary: Mental Health

<u>HB 5489</u> (Haase) Juveniles; criminal procedure; juvenile competency evaluation and report; clarify. Amends <u>1939 PA 288</u> (MCL <u>710.21</u> - 712A.32) by adding sec. 18p to ch. XIIA.

Status: 12/03/09 Before House Judiciary: Mental Health

Liaisons: Hon. David Hoort and Abed E. Hammoud

The committee members in attendance offered the motion to take a position of support with recommended amendments regarding what constitutes a qualified examiner, who bears the cost of evaluation, and the issue of age of competency. This will go before the full committee for an e-vote.

b. Prosecutor Court Fees

HB 5371 (Constan) Courts; other; certain court fees; exempt prosecuting attorneys from paying. Amends secs. 321 & 2529 of 1961 PA 236 (MCL 600.321 & 600.2529).

Status: 09/15/09 Referred to House Judiciary

Liaisons: Angela M. Povilaitis and Daniel Corrigan Grano

The committee members in attendance offered the motion to take a position of support. This will go before the full committee for an e-vote.

c. Eligibility for Jury Service

<u>HB 5601</u> (Jackson) Courts; juries; individuals who fail to return jury questionnaires; ensure continued eligibility for jury service. Amends sec. 1313 of <u>1961 PA 236</u> (MCL <u>600.1313</u>).

Status: 11/12/09 Referred to House Judiciary

Liaisons: Samuel R. Smith, III and Kimberley Reed Thompson

The committee members in attendance offered the motion to take a position of support. This will go before the full committee for an e-vote.

d. Assessments of Criminals

<u>HB 5661</u> (McDowell) Crime victims; other; assessments against certain criminal defendants and juvenile offenders; increase. Amends sec. 5 of <u>1989 PA 196</u> (MCL <u>780.905</u>).

Status: 12/08/09 Referred to House Judiciary

Liaisons: John A. Jarema and Michael Howard Gordner

The committee members in attendance voted to table this bill.

e. Statute of Limitations

<u>HB 5699</u> (Kennedy) Civil procedure; statute of limitations; civil action for damages resulting from criminal sexual conduct against a minor; extend tolling of statute of limitations.

Amends secs. 5838a & 5851 of 1961 PA 236 (MCL 600.5838a & 600.5851).

Status: 12/08/09 Referred to House Judiciary Liaisons: James W. Heath and John C. Boufford

The committee members in attendance voted to pass on this bill.

f. Jury Service

<u>HB 5783</u> (Meadows) Courts; juries; eligibility to postpone jury service of students; expand to include full-time higher education students. Amends sec. 1335 of <u>1961 PA 236</u> (MCL <u>600.1335</u>).

Status: 02/04/10 Referred to House Judiciary

Liaisons: Samuel R. Smith, III and Kimberley Reed Thompson

The committee members in attendance offered the motion to take a position of support. This will go before the full committee for an e-vote.

- 4. Reports from Other Committees
- 5. Adjournment.