

**State Bar of Michigan
Criminal Jurisprudence and Practice Committee
September 10, 2010 at 2:00 p.m.
at the State Bar of Michigan Building, Hudson Room**

AGENDA

1. Call to Order & Welcome
2. Approval of Minutes
3. New Business
 - a. [HB 6389](#) (Lipton) **Presentence Reports**
Criminal procedure; records; copies of presentence reports; require to be provided to certain individuals under certain circumstances. Amends sec. 14, ch. XI of 1927 PA 175 (MCL 771.14).

 - [HB 6390](#) (Lipton) **Probation Reports**
Corrections; other; confidentiality requirements for certain reports made by probation officers; revise. Amends sec. 29 of 1953 PA 232 (MCL 791.229).
Status: 09/08/10 Referred to Second Reading (House)

 - b. [SB 1354](#) (Switalski, M.) **Drug Courts**
Courts, drug court. Courts; drug court; requirement for prosecutor approval of admission into a drug treatment court; clarify. Amends secs. 1062 & 1068 of 1961 PA 236 (MCL 600.1062 & 600.1068).
Status: 09/08/10 Referred to Second Reading (House)

 - c. [2009-22 Proposed Amendments of Rules 7.212 and 7.215 of the Michigan Court Rules](#)
These proposed amendments of MCR 7.212 and MCR 7.215, submitted by the State Bar of Michigan Appellate Practice Section, would eliminate the requirement to provide a copy of an unpublished Court of Appeals decision if that decision was issued after July 1, 1996, and a case number is provided.
Issued: July 27, 2010
Comment Period Expires: November 1, 2010
Public Hearing: To be scheduled

 - d. [2010-21 Proposed Amendment of Rule 8.110 of the Michigan Court Rules](#)
This proposal would exclude cases that are stayed during an interlocutory appeal from being included in the group of cases that a chief judge must report to the State Court Administrator that are delayed beyond the time guidelines.
Issued: June 8, 2010
Comment Period Expires: October 1, 2010
Public Hearing: To be scheduled

 - e. [2010-16 Proposed Amendments of Rules 6.302 and 6.610 of the Michigan Court Rules](#)
These proposals were generated following the recent United States Supreme Court decision in *Padilla v Kentucky*, ___ US ___; 130 S Ct 1473; 176 L Ed 2d 284 (2010), in

which the Court held that defense counsel is required to inform a defendant about the risk of deportation as a potential consequence of a guilty plea. In that case, the Court held that “when the deportation consequence is truly clear, as it was in this case,” counsel must give correct advice. The Court also noted that in “situations in which the deportation consequences of a particular plea are unclear or uncertain, ... a criminal defense attorney need do no more than advise a noncitizen client that pending criminal charges may carry a risk of adverse immigration consequences.” Padilla, 130 S Ct 1483.

Proposal A would require a judge to ask a noncitizen defendant and the defendant’s lawyer if they have discussed possible risk of deportation as a consequence of a guilty plea. The focus of this inquiry is whether the defendant is a noncitizen, and what the defense counsel has told the defendant. Proposal B would require a judge to give general advice to any defendant (whether or not the defendant is represented by counsel) that a guilty plea by a noncitizen may carry immigration consequences. This alternative would obviate the need to determine the defendant’s citizenship status, which the defendant may not know or be willing to divulge.

Issued: June 30, 2010

Comment Period Expires: October 1, 2010

Public Hearing: To be scheduled

See Criminal Issues Initiative Proposal for ADM File 2010-16.

- f. [Representative Assembly Agenda – September 30, 2010](#)
[Consideration of Legislation for the Uniform Collateral Consequences of Conviction Act](#)

- 4. Reports from Other Committees
- 5. Committee Projects
- 6. Adjournment.