

**Public Policy Position
HB 5407**

The Criminal Law Section is a voluntary membership section of the State Bar of Michigan, comprised of 2,299 members. The Criminal Law Section is not the State Bar of Michigan and the position expressed herein is that of the Criminal Law Section only and not the State Bar of Michigan. To date, the State Bar does not have a position on this item.

The Criminal Law Section has a public policy decision-making body with 26 members. On April 17, 2018, the Section adopted its position after a discussion and vote at a scheduled meeting. 9 members voted in favor of the Section's position on HB 5407, 7 members voted against this position, 2 members abstained, 8 members did not vote.

OPPOSE**Explanation:**

The Criminal Law Council voted 9-7-2 to oppose the bill regarding crime victims' statements and requiring the presence of defendants during presentation of victim oral impact statements with exceptions. Council members then expressed a desire to add commentary to the vote in opposition. The discussion was bifurcated into two (2) aspects of the legislation: the possible interpretation of the legislation that victims will have a say in the defendant's removal from the courtroom during an impact statement and the provision requiring the defendant to be present for the impact statements with exceptions.

The Council unanimously opposed the notion of empowering the victim to "evict" the defendant from the courtroom when his/her impact statement is presented. The Council, by a plurality, opposed the provision requiring the defendant to be present for impact statements.

Contact Person: Michael Marutiak

Email: marutiakm@michigan.gov