

CRIMINAL LAW SECTION
Respectfully submits the following position on:

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HB 5050

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The Criminal Law Section is not the State Bar of Michigan itself, but rather a Section which members of the State Bar choose voluntarily to join, based on common professional interest.

The position expressed is that of the Criminal Law Section only and is not the position of the State Bar of Michigan.

To date, the State Bar does not have a position on this matter.

The total membership of the Criminal Law Section is 2,186.

The position was adopted after discussion and vote at a scheduled meeting. The number of members in the decision-making body is 21. The number who voted in favor to this position was 17. The number who voted opposed to this position was 0. The number who abstained from voting was 1.

Report on Public Policy Position

Name of section:

Criminal Law Section

Contact person:

Hon. David A. Hoort

E-Mail:

dhoort@ioniacounty.org

Bill Number:

[HB 5050](#) (Walsh) Law enforcement; investigations; providing false information to peace officer conducting criminal investigation; prohibit, and provide penalties. Amends [1931 PA 328](#) (MCL 750.1 - 750.568) by adding sec. 479c.

Date position was adopted:

March 20, 2012

Process used to take the ideological position:

Position adopted after discussion and vote at a scheduled meeting.

Number of members in the decision-making body:

21

Number who voted in favor and opposed to the position:

17 Voted for position

0 Voted against position

1 Abstained from vote

3 Did not vote

Position:

Oppose

Explanation of the position, including any recommended amendments:

The council believed that the proposed legislation allowed undue discretion to police officers in making the charge and determining the degree of penalty.

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.

<http://legislature.mi.gov/doc.aspx?2011-HB-5050>

FOR LEGISLATIVE ISSUES ONLY:

This position falls within the following Keller-permissible category:

- The regulation and discipline of attorneys
- ✓ The improvement of the functioning of the courts
- The availability of legal services to society
- The regulation of attorney trust accounts
- The regulation of the legal profession, including the education, the ethics, the competency, and the integrity of the profession.

Keller-permissible explanation:

It was thought that this legislation may in numbers and litigation stress the justice system by reason of the authority being granted to law enforcement. The proposed legislation has the potential to affect the criminal justice system through significantly increased charges, forcing plea agreements, and taxing the financial well being of the related jurisdictional entities.