

HOUSE BILL NO. 4865

August 29, 2019, Introduced by Rep. LaFave and referred to the Committee on Government Operations.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 32a of chapter IX (MCL 769.32a), as added by
2014 PA 465; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER IX

1
2 Sec. 32a. (1) A criminal justice policy commission is created
3 in the legislative council. ~~Before March 1, 2015, the~~ **The** governor
4 shall appoint the commission members described in subdivisions (d)



1 to (o). The commission consists of all of the following members:

2 (a) Two individuals who are members of the senate submitted by
3 the senate majority leader, 1 individual from each caucus.

4 (b) Two individuals who are members of the house of
5 representatives submitted by the speaker of the house of
6 representatives, 1 individual from each caucus.

7 (c) The attorney general, or his or her designee.

8 (d) One individual who is a circuit court judge, appointed
9 from a list of 3 names submitted by the Michigan ~~judges~~
10 ~~association.~~ **Judges Association.**

11 (e) One individual who is a district court judge, appointed
12 from a list of 3 names submitted by the Michigan ~~district judges~~
13 ~~association.~~ **District Judges Association.**

14 (f) One individual who represents the prosecuting attorneys of
15 this state, appointed from a list of 3 names submitted by the
16 ~~prosecuting attorneys association.~~ **Prosecuting Attorneys Association**
17 of Michigan.

18 (g) One individual who represents criminal defense attorneys,
19 appointed from a list of 3 names submitted by the ~~criminal defense~~
20 ~~attorneys.~~ **Criminal Defense Attorneys** of Michigan.

21 (h) One individual appointed from a list of 3 names submitted
22 by the Michigan ~~sheriff's association.~~ **Sheriff's Association.**

23 (i) One individual appointed from a list of 3 names submitted
24 by the director of the Michigan department of corrections.

25 (j) One individual who represents advocates of alternatives to
26 incarceration.

27 (k) One individual who works in the mental or behavioral
28 health care field.

29 (l) One individual appointed from a list of 3 names submitted



1 by the Michigan ~~association of counties.~~**Association of Counties.**

2 (m) One individual who represents Michigan ~~association of~~
 3 ~~community corrections advisory boards.~~**Association of Community**
 4 **Corrections Advisory Boards.**

5 (n) One individual appointed from a list of 3 names submitted
 6 by the Michigan ~~coalition to end domestic and sexual~~
 7 ~~violence.~~**Coalition to End Domestic and Sexual Violence.**

8 (o) One member of the public who is neither affiliated with
 9 nor employed by a department, office, or entity described in this
 10 subsection, by the commission created under this subsection, or by
 11 any entity employed or hired by the commission created under this
 12 subsection.

13 (2) The member of the public appointed by the governor under
 14 subsection (1) (o) shall serve as the chairperson of the criminal
 15 justice policy commission.

16 (3) Except as otherwise provided in this subsection, the
 17 commission members ~~shall~~**must** be appointed for terms of 4 years. Of
 18 the members first appointed under subsection (1) (d) to (o), 4
 19 members shall serve for 2 years, 4 members shall serve for 3 years,
 20 and 4 members shall serve for 4 years. The members of the
 21 commission appointed under subsection (1) (a) and (b) ~~shall~~**must** be
 22 appointed for terms of 2 years.

23 (4) A vacancy on the commission caused by the expiration of a
 24 term or a resignation or death ~~shall~~**must** be filled in the same
 25 manner as the original appointment. A member appointed to fill a
 26 vacancy caused by a resignation or death ~~shall~~**must** be appointed
 27 for the balance of the unexpired term.

28 (5) A commission member ~~shall~~**must** not receive a salary for
 29 being a commission member but ~~shall~~**must** be reimbursed for his or



1 her reasonable, actual, and necessary expenses incurred in the
2 performance of his or her duties as a commission member.

3 (6) The commission may establish subcommittees that may
4 consist of individuals who are not members of the commission,
5 including, but not limited to, experts in matters of interest to
6 the commission.

7 (7) The commission's business ~~shall~~**must** be conducted at
8 public meetings held in compliance with the open meetings act, 1976
9 PA 267, MCL 15.261 to 15.275.

10 (8) A quorum consists of a majority of the members of the
11 sentencing commission. All commission business ~~shall~~**must** be
12 conducted by not less than a quorum. A vote of the majority of the
13 members of the commission present and serving is required for the
14 official action of the commission.

15 (9) A writing prepared, owned, used, in the possession of, or
16 retained by the commission in the performance of an official
17 function ~~shall~~**must** be made available to the public in compliance
18 with the freedom of information act, 1976 PA 442, MCL 15.231 to
19 15.246.

20 (10) The legislative council shall provide the commission with
21 suitable office space, staff, and necessary equipment.

22 **(11) This section is repealed effective September 30, 2023.**

23 Enacting section 1. This amendatory act does not take effect
24 unless Senate Bill No.____ or House Bill No.____ (request no.
25 03676'19 *) of the 100th Legislature is enacted into law.

