

NEW 2011 LAWS AND COURT RULES AT A GLANCE

This document is designed to provide a quick overview of the laws or court rules affecting the criminal justice system in 2011. For the complete text of any law or court rule click on the link.

Effective Date	Public Act or Court Rule No.	Summary	Link
1/1/2011	MRPC 3.3	Specifically precludes a lawyer from offering false evidence and requires the lawyer to take remedial measures, including possible disclosure to the court, if false evidence is admitted.	http://coa.courts.mi.gov/rules/documents/5MichiganRulesOfProfessionalConduct.pdf
1/1/2011	MRPC 3.4	Prevents a lawyer from requesting that a relative of a client refrain from voluntarily giving information to another party.	http://coa.courts.mi.gov/rules/documents/5MichiganRulesOfProfessionalConduct.pdf
1/1/2011	MRPC 3.6	Incorporates the examples of prohibited trial publicity activities from the commentary into the text of the rule.	http://coa.courts.mi.gov/rules/documents/5MichiganRulesOfProfessionalConduct.pdf
1/1/2011	MCR 6.201	Treats electronically recorded materials in the same manner as non-electronically recorded materials.	http://coa.courts.mi.gov/rules/documents/1Chapter6CriminalProcedure.pdf
1/1/2011	MCR 6.425 & 6.610	Allows the parties to retain a copy of the PSI and protects confidential victim information.	http://coa.courts.mi.gov/rules/documents/1Chapter6CriminalProcedure.pdf
2/1/2011	MCR 3.705	Requires a petitioner to provide two days notice of the hearing on the petition if the petitioner is seeking a sexual assault PPO under MCL 600.2950a(2).	http://coa.courts.mi.gov/rules/documents/1Chapter3SpecialProceedingsandActions.pdf
2/15/2011	2010 PA 209 & 210	Allows federally licensed firearms dealers to purchase, carry, possess or transport a pistol without a state license.	http://www.legislature.mi.gov/documents/2009-2010/publicact/pdf/2010-PA-0209.pdf http://www.legislature.mi.gov/documents/2009-2010/publicact/pdf/2010-PA-0210.pdf
3/30/2011	2010 PA 268	A person with a level 2 graduated license can have no more than one non-family member under the age of 21 in the car at the time of operation.	http://www.legislature.mi.gov/documents/2009-2010/publicact/pdf/2010-PA-0268.pdf

5/16/2011	2011 PA 27	Allows local communities to continue to prohibit Sunday alcohol sales.	http://www.legislature.mi.gov/%28S%28bbpd2mqqi15r3545qyqo1n45%29%29/mileg.aspx?page=getObject&objectName=2011-SB-0100
5/29/2011	2011 PA 29-31	Allows for a designee of the Superintendent of the Michigan Children's Institute to consent to adoptions, marriages, guardianships or emancipation of state wards.	http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2011-PA-0029.pdf http://www.legislature.mi.gov/%28S%28bbpd2mqqi15r3545qyqo1n45%29%29/mileg.aspx?page=getObject&objectName=2011-HB-4382 http://www.legislature.mi.gov/%28S%28bbpd2mqqi15r3545qyqo1n45%29%29/mileg.aspx?page=getObject&objectName=2011-SB-0220
6/23/2011	2011 PA 64	Amends the expungement statute to allow a person to expunge an offense even if they have two 90 day misdemeanor convictions committed before the age of 21.	http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2011-PA-0064.pdf
6/28/2011	2011 PA 67	Requires DHS to notify the court, appropriate state legislators and the children's ombudsman whenever a child under the court's jurisdiction dies.	http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2011-PA-0067.pdf
6/28/2011	2011 PA 68	Requires a citizen review panel to review the circumstances of the death of every child who dies while under court jurisdiction.	http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2011-PA-0068.pdf
6/28/2011	2011 PA 69	Requires DHS to establish a child death registry containing information on children who die while under court jurisdiction, or from abuse and neglect in situations where the parent had a least one CPS complaint within the previous 2 years.	http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2011-PA-0069.pdf
6/28/2011	2011 PA 70	Allows a court with jurisdiction over a child's death to access private central registry reports.	http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2011-PA-0070.pdf
7/1/2011	2011 PA 59 & 60	Makes it crime to commit a 3 point or higher moving violation in a school bus zone that results in injury or death.	http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2011-PA-0059.pdf http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2011-PA-0060.pdf

7/1/2011	2010 PA 17-19	Revises Michigan's Sex Offender Registration Act to comply with the requirements of the federal Sex Offender Registration and Notification Act (SORNA).	http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2011-PA-0017.pdf http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2011-PA-0018.pdf http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2011-PA-0019.pdf
7/15/2011	2011 PA 84-87	Prohibits the sale of more than 3.6 grams of pseudoephedrine in a day or more than 9 grams within a 30 day period. Creates a real time electronic tracking system for purchases.	http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2011-PA-0084.pdf http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2011-PA-0085.pdf http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2011-PA-0086.pdf http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2011-PA-0087.pdf
7/15/2011	2011 PA 89	Requires a representative of the local court to be on the child fatality review team.	http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2011-PA-0089.pdf
7/20/2011	2011 PA 108	Allows practitioners access to the electronic system for monitoring schedule 2-5 drugs to determine if prescriptions authorized by that person have been dispensed.	http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2011-PA-0108.pdf
7/20/2011	2011 PA 115	Allows a county to contract with the owner of a private road for traffic enforcement on that road.	http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2011-PA-0115.pdf
7/20/2011	2011 PA 124	Changes the Level 2 restrictions on graduated driver licenses.	http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2011-PA-0124.pdf
7/21/2011	2011 PA 127	Requires all current prison inmates to provide a DNA sample by January 1, 2012. All new inmates must provide a sample within 90 days of entering prison.	http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2011-PA-0127.pdf

8/1/2011	2011 PA 88	Adds bath salts that are sold under some of the following trade names to schedule 1. MDPV, Charge Plus, Hurricane Charlie, Ivory Wave, Ocean, Red Dove, Cloud Nine, White Dove, Sonic, Scarface and White Lightning.	http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2011-PA-0088.pdf
9/1/2011	2011 PA 109 & 120	Allows children under the age of 10 to hunt with a mentored youth hunting license.	http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2011-PA-0109.pdf http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2011-PA-0120.pdf
9/1/2011	MCR 2.512-2.516	Provides the following changes to jury instructions: The parties could prepare and present a jury notebook. Jurors may take notes. Jurors may ask questions through the court. The court may provide an evidence summary after counsel's arguments. Copies of the final jury instructions must be provided to the jury.	http://coa.courts.mi.gov/rules/documents/1Chapter2CivilProcedure.pdf
9/1/2011	MCR 6.005(H)	Requires retained or appointed defense counsel to either file a substantive response to a prosecutor's pre-conviction appeal or notify the Court of Appeals that the lawyer will not respond.	http://coa.courts.mi.gov/rules/documents/1Chapter6CriminalProcedure.pdf
9/1/2011	MCR 7.205(F)	Reduces the time period for filing a delayed application for leave to appeal from 12 to 6 months.	http://coa.courts.mi.gov/rules/documents/1Chapter7AppellateRules.pdf
9/1/2011	ADM 2011-3	The Court released new case management guidelines that took effect on September 1, 2011. The two changes of most interest to prosecutors are: A requirement that 80% of all prelims be concluded within 14 days and 100% concluded within 28 days of arraignment. The prior guideline required the exams to be commenced within those time periods. Local courts with SCAO approval and notice to the sheriff may extend the felony timeline for adjudicating 90% of the cases from 91 days to 154 days after bindover.	http://courts.michigan.gov/supremecourt/Resources/Administrative/2010-08_08-17-11_formatted%20order.pdf

9/21/2011	2011 PA 146	Allocates \$7,000,000 to the MSP from the 9-1-1 fund in FY 2011-2012 to fund the Department's costs for the Michigan Public Safety Communications System. MCL 484.1408(6).	http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2011-PA-0146.pdf
9/21/2011	2011 PA 151	Exempts a slasher saw table from having brakes under the Motor Vehicle Code. MCL 257.705(4)	http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2011-PA-0151.pdf
9/30/2011	2011 PA 158-160	Makes numerous changes to the CDL provisions of the Motor Vehicle Code.	http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2011-PA-0159.pdf
10/4/2011	2011 PA 161	Changes the drug forfeiture law to allow forfeited funds to be used for any law enforcement purpose. MCL 333.7524(1)(b)(ii).	http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2011-PA-0161.pdf
10/6/2011	2011 PA 165	Requires the Department of Corrections to provide electronic notice to the appropriate prosecuting attorney within 10 days of a parole board decision to grant parole. MCL 791.236.	http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2011-PA-0165.pdf
10/18/2011	2011 PA 197	Increases the number of hours a minor can work while attending school to 24 hours. MCL 409.111.	http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2011-PA-0197.pdf
10/18/2011	2011 PA 198-199	Requires the Michigan State Police and the Department of Human Services to develop a computer interface by July 1, 2013 that would allow each department to determine if a person wanted on a felony warrant is on public assistance. MCL 400.10c.	http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2011-PA-0198.pdf
10/20/2011	2011 PA 203	Increases the statute of limitations for mortgage fraud, false pretenses involving real property, and forgery or uttering and publishing to 10 years.	http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2011-PA-0203.pdf
11/1/2011	2010 PA 344	Requires beer kegs to have ID tags.	http://www.legislature.mi.gov/documents/2009-2010/publicact/pdf/2010-PA-0344.pdf
1/1/2012	2011 PA 168-169	Makes it a felony punishable by imprisonment for up to 2 years and/or a fine of up to \$50,000 to perform a partial birth abortion. MCL 750.90h.	http://www.legislature.mi.gov/documents/2011-2012/billenrolled/Senate/pdf/2011-SNB-0160.pdf
1/1/2012	MCR 2.511	Requires the court to remove an unqualified juror without a challenge for cause.	http://courts.michigan.gov/supremecourt/Resources/Administrative/2010-11_2011-10-06_formatted_order_amendment-of-2-511.pdf

1/1/2012	MCR 3.707	Clarifies that the right to challenge a PPO within 14 of issuance only applies to ex parte orders.	http://courts.michigan.gov/supremecourt/Resources/Administrative/2010-17_2011-10-06_formatted-order_amendment-of-3-707.pdf
1/1/2012	MCR 3.915	Specifies that a respondent in a child protective proceeding has the right to appointed counsel at all hearings, including preliminary hearings.	http://courts.michigan.gov/supremecourt/Resources/Administrative/2011-04_2011-10-06_formatted-order_amendment-of-3-915.pdf
1/1/2012	2011 PA 201 & 202	Increases the penalties for false pretense violations. If the violation involved \$20,000 to \$50,000 or \$50,000 to \$100,000 the maximum penalty is 15 years. If the violation involved more than \$100,000 the maximum penalty is 20 years. MCL 750.218.	http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2011-PA-0201.pdf
1/1/2012	2011 PA 204 & 208	Makes it a felony punishable by imprisonment for up to 4 years and/or fine of up to \$5,000 if a violation of the Michigan Notary Public Act involves a document relating to an interest in real property or a mortgage transaction. MCL 55.309.	http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2011-PA-0204.pdf
1/1/2012	2011 PA 202 & 205	Creates the crime of residential mortgage fraud. It is a felony with a penalty of up to 15 years if the amount of fraud was \$100,000 or less, and up to 20 years if the amount was over \$100,000. MCL 750.219d.	http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2011-PA-0205.pdf
1/1/2012	2011 PA 206 & 207	Creates new forgery and uttering and publishing crimes for deeds, mortgages or any other document that affects an interest in real estate. MCL 750.248b & 750.249b.	http://www.legislature.mi.gov/documents/2011-2012/publicact/pdf/2011-PA-0206.pdf