Republicans find support for anti-crime legislation

BY TIM RICHARD
BYATWARTES

This year Republican state senators are more hopeful their package of anti-crime legislation will also be passed by the House of Representatives.

The bills generally give police and prosecutors more powers and stiffen some sentences.

"Look at the laundry list their comin' down herel" scoffed Democratic Trimed and their comin down herel" scoffed Democratic gain," said Smith, who last year came within a whister of toppling Wayne County Prosecutor John O'Hair in the Democratic primary.

Biggest bones of contention: allowing no-knock search warrants, tougher penalties for marijuana dealing, and court admission of tained evidence. "As of last work Republicans and conservative Democrats had enough votes to pass everything they debated. "Meanwhile, the House was slowly working on similar bills that had been blocked in the plast y Judiciary chair Perry Bullard, D-Ann Arbor. Gov. John Engler endorses the package.

"I'll shoot first!"

'I'll shoot first'

"The "no-knock" bill got the most prolonged debate before hing passed 22 to 12. It would al-ley police to obtain a special war-rant to enter a building unar-

mounced.

"How many of you have been raided or done a raid?" asked Sen. Michael Bouchard, R. Birming-ham, a former police officer. Only he and Jon Cisky, R. Saginaw, a former a heriff's deputy, raised their hands.

"In concept I oppose it (no kinck), "Bouchard admitted, but his odded the bill had been nar-rowly written.

he added the bill nau bear rowly written.
"In reality they say 'police' and he door. You're yelling 'pokick the door. You're yelling 'po-lice' at the top of your lungs as

you run through the house and open doors.

"You have to articulate the facts in a warrant, and you have to give (the judge) reasons beyond that of the safety of officers."

But Sen, John Kelly, D-Grosse Pointe, said use of no-knock warrants would work against police. "I can guarantee you that if you burst through my door in the middle of the night, you're going to be greeted by gunfire. "Il shoot first and ask questions later.

"You create the excuss (for the criminal) of justifiable homicide of a police officer," Kelly said.

Sponsor Jack Welborn, R-Kalamazoo, said requiring police to announce themselves gives criminals an opportunity to draw a gun or flush drugs down a töllet.

But Jack Fanon, D-Parmington Hills, argued that many raids are of hotel and motel rooms where police go to a wrong room number. Supporting the no-knock measure (SB 317) were Republicans Bouchard, Mat Dunaskiss of Northville.

Opposed were Democrats William Faust of Westland and Fax-

Absent were David Honigman,
A-West Bloomfield, and George
Z. Hert, D-Dearborn.
Wayne County Sheriff Robert
Ficano expressed concern that use
of no-knock would endanger the
lives of narcotics officers because
"The enemy is formidable. We see
more and more crack houses fortifield by an arsenal of wespons.
Why give the drug dealer the
scrues to shoot, claiming he
didn't know who was entering the
premises?"

Pot stronger

Bouchard also sponsored the bill to stiffen marijuana penalties, SB 234, which passed 30 to 5. "It's a lot more dangerous now," he said. "In the 60s the av-erage THC content was one-half

to 1 percent. Now the average is 6 to 7 percent, and even up to 12 or 19 percent.

"There has been a dramatic increase in the price — from \$1,000 to \$3,000 a pound. That's an economic incentive to dealers.

"The Michigan State Police lab processes more marijuans than cocains.

"Currently there's no difference between the penalty for a four-pound bag and a two-ton truck." Current law provides for up to four years in prison and a maximum fine of \$2,000 for manufacture, delivery or possession of pot. Under Bouchard's bill, pondites would be:

Under ties would be:

For 45 kg or 100 marijuana plants or more — up to 20 years and \$5 million in fines.

For 4.5 to 45 kg or 50 to 100 plants — up to 10 years and

■ For less than 4.5 kg and fewer

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pensities does not deter consumption of marijuana," objected Fazon.

"The cost is disproportionate to the gain in public safety," added Lans Polleck, D-Ann Arbor. "You'd have to build a new prison at a \$30 million capital cost for an 800-bed prison and \$12 million in operating costs."

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Voting no: Democrat Faxon.
Absent: Republican Honigman,
Democrat Hart.

'More litigation'

Bouchard won 22 to 12 approval of his SB 188 to modify the rule excluding tainted evidence in a

excluding tained with trial.

"It was known as the 'fruit of the poisonous tree' doctrine," he said. "Evidence could be excluded if there was a technical flaw in the warrant. This creates the 'good faith' exception."

Under it, the evidence would be admissible if the officer believed the warrant to be valid; or had obtained evidence in a search leading to an arrest under a law later declared unconstitutional. Faxon objected that the bill would result in "overzealous" police actions, "more litigation, more lawyers, more jamming up of courts."
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Fewer appeals

Passed with surprising ease was a proposed constitutional

amendment (SJR D) eliminating the automatic right of appeal for criminals who had pleaded guilty. If the House gives it two-thirds-approval, the proposal will be on the 1994 ballot for voters.

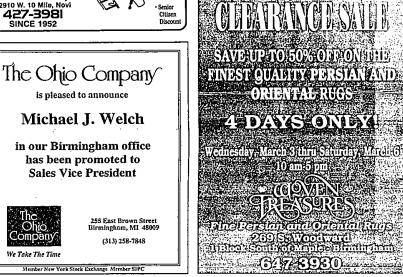
The proposal had stiff opposition when the Senate debated it last year.

Some 3,800 of the 12,000 cases.

32 percent — filed with the Court of Appeals come from prisoners who had pleaded guilty. The Court of Appeals upholds. convictions and sentences in all but a handful of cases.

Prisoners could still appeal "hyleave" — that is, with the court's permission. Grants of permission probably are likely in cases where a judge had exceeded sentencing guidelines.

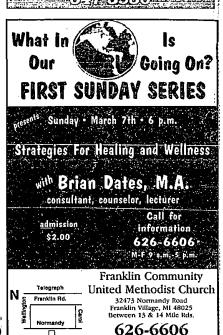












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