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Senate Bill 813 (Substitute S-3 as reported by the Committee of the Whole)

Sponsor: Senator John Cherry

Committee: Civil Rights, Judiciary, and Public Safety

CONTENT

The bill would amend the Revised Judicature Act to do the following:

- Modify the purposes for which a videorecorded witness statement could be used in court proceedings, including allowing the use for impeachment purposes at trial.
- Require a court to provide a defendant proceeding pro se with a transcript of the videorecorded statement within 10 days of the defendant's trial or pretrial, subject to any protective conditions.
- Require a court order to give the defense a copy of a videorecorded statement upon request and specify who could view or use the videorecorded witness statement and that the copy would have to be returned upon the completion of the court proceedings.
- Increase the penalty for unauthorized disclosure of a videorecorded statement.
- Require that videorecorded statements adhere to Forensic Interview Protocols under the Child Protection Law.

BRIEF RATIONALE

Generally, certain videorecorded statements may be considered in court proceedings for impeachment purposes and cannot be used at a preliminary examination instead of live witness testimony. According to testimony before the Senate Committee on Civil Rights, Judiciary, and Public Safety, requiring an alleged victim who is under the age of 16, who is developmentally disabled, or who is a vulnerable adult to testify in person during proceedings may distress or retraumatize that individual unnecessarily. It has been suggested to allow a videorecorded statement of those individuals to be used during a trial under certain circumstances.

MCL 600.2163a

Legislative Analyst: Eleni Lionas

FISCAL IMPACT

The proposed provisions to increase the incarceration time from a maximum of 93 days to one year and increase the maximum fine amount from \$500 to \$2,500 could have an indeterminate negative fiscal impact and an indeterminate positive fiscal impact on State and local government. The increase in the incarceration time under the bill could increase resource demands on law enforcement, court systems, community supervision, and jails; however, it is unknown how many people would be prosecuted under the bill's provisions. Local jail costs vary by jurisdiction and thus costs for local governments would vary. Local revenue to local libraries could increase under the bill as any additional revenue from imposed fines would go to local libraries. The bill would have no fiscal impact on the Department of Health and Human Services or State or local courts.

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Bill Analysis @ www.senate.michigan.gov/sfa

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