

SUBSTITUTE FOR
HOUSE BILL NO. 4298

A bill to amend 1975 PA 238, entitled
"Child protection law,"
(MCL 722.621 to 722.638) by adding section 8f.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 8F. (1) AT THE TIME A CHILD IS INTERVIEWED IN AN
2 ACCREDITED OR AN ACCREDITABLE CHILD ASSESSMENT CENTER UNDER THE
3 PROTOCOLS ESTABLISHED BY THE COUNTY AS REQUIRED UNDER SECTION 8(6) ,
4 THE PERSON CONDUCTING THE INTERVIEW SHALL MAKE AN ELECTRONIC
5 RECORDING OF THE INTERVIEW IN ITS ENTIRETY, ABSENT GOOD CAUSE,
6 INCLUDING, BUT NOT LIMITED TO, INOPERABILITY OF THE RECORDING
7 EQUIPMENT OR OTHER EXIGENT CIRCUMSTANCES. THE RECORDING OF AN
8 INTERVIEW DESCRIBED IN THIS SUBSECTION SHALL BEGIN AT THE BEGINNING
9 OF THAT INTERVIEW. THE ELECTRONIC RECORDING SHALL NOT BE TURNED OFF
10 UNTIL THE INTERVIEW IS COMPLETED.

1 (2) A CUSTODIAN OF THE VIDEORECORDED STATEMENT SHALL ALLOW
2 ACCESS TO AND RETAIN ELECTRONIC RECORDINGS IN THE MANNER PROVIDED
3 FOR ACCESS TO AND RETENTION OF VIDEORECORDED STATEMENTS UNDER
4 SECTION 2163A OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236,
5 MCL 600.2163A.

6 (3) A FAILURE TO MAKE AN ELECTRONIC RECORDING OF AN INTERVIEW
7 UNDER THIS SECTION, INCLUDING FAILURE TO RECORD THE INTERVIEW IN
8 ITS ENTIRETY, DOES NOT PREVENT A FORENSIC INTERVIEWER OR OTHER
9 WITNESS PRESENT DURING THE TAKING OF THE STATEMENT FROM TESTIFYING
10 IN COURT AS TO THE CIRCUMSTANCES AND CONTENT OF THE INDIVIDUAL'S
11 STATEMENT IF THE COURT DETERMINES THAT THE TESTIMONY IS OTHERWISE
12 ADMISSIBLE.

13 (4) AS USED IN THIS SECTION:

14 (A) "ACCREDITED OR ACCREDITABLE CHILD ASSESSMENT CENTER" MEANS
15 A FACILITY OR SERVICE PROVIDER THAT HAS RECEIVED ACCREDITATION OR
16 IS ELIGIBLE FOR ACCREDITATION FROM THE NATIONAL CHILDREN'S
17 ALLIANCE.

18 (B) "CUSTODIAN OF THE VIDEORECORDED STATEMENT" MEANS THAT TERM
19 AS DEFINED IN SECTION 2163A OF THE REVISED JUDICATURE ACT OF 1961,
20 1961 PA 236, MCL 600.2163A.

21 (C) "ELECTRONIC RECORDING" MEANS A VIDEORECORDED STATEMENT AS
22 THAT TERM IS DEFINED IN SECTION 2163A OF THE REVISED JUDICATURE ACT
23 OF 1961, 1961 PA 236, MCL 600.2163A.

24 Enacting section 1. This amendatory act takes effect 180 days
25 after the date it is enacted into law.

26 Enacting section 2. This amendatory act does not take effect
27 unless all of the following bills of the 99th Legislature are

1 enacted into law:

2 (a) House Bill No. 4299.

3 (b) House Bill No. 4300.