

# SENATE BILL No. 688

January 28, 1992, Introduced by Senator CISKY and referred to the Committee on Judiciary.

A bill to amend section 2167 of Act No. 236 of the Public Acts of 1961, entitled as amended  
"Revised judicature act of 1961,"  
being section 600.2167 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 2167 of Act No. 236 of the Public Acts  
2 of 1961, being section 600.2167 of the Michigan Compiled Laws, is  
3 amended to read as follows:  
4       Sec. 2167. (1) In a preliminary examination or grand jury  
5 proceeding, a report of the findings of a technician of the  
6 FORENSIC SCIENCE division ~~of crime detection of the department~~  
7 ~~of public health or a technician of the scientific laboratory~~  
8 ~~section~~ of the department of state police, signed by that  
9 technician, or a notarized copy of the report, may be received in  
10 evidence in place of the technician's appearance and testimony.

1       (2) ~~--Prior to--~~ BEFORE a preliminary examination at which the  
2 technician's report of findings will be introduced in evidence, 2  
3 copies of the report shall be furnished to the prosecuting  
4 attorney. The prosecuting attorney shall immediately furnish 1  
5 copy of the technician's report to the defense attorney or, if an  
6 appearance or appointment of defense counsel has not been filed,  
7 to the defendant.

8       (3) The prosecuting attorney, upon receiving copies of the  
9 technician's report, shall notify the court before which the pre-  
10 liminary examination will be held that copies of the technician's  
11 report are in the prosecutor's possession. If the prosecuting  
12 attorney fails to notify the court that he OR SHE has received  
13 copies of the technician's report not less than 5 days before the  
14 day set for preliminary examination, the court shall adjourn the  
15 preliminary examination.

16       (4) An accused person or his OR HER attorney may ~~--request--~~  
17 MOVE TO REQUIRE that the technician testify ~~--in person--~~ at the  
18 preliminary examination on behalf of the state by ~~--serving--~~  
19 FILING A written ~~--notice on the prosecuting attorney--~~ MOTION not  
20 more than 5 days after receiving a copy of the technician's  
21 report of findings from the prosecuting attorney. THE MOTION  
22 SHALL STATE THE REASON WHY THE TESTIMONY IS REQUIRED. IF THE  
23 COURT GRANTS THE MOTION FOR GOOD CAUSE SHOWN AND ORDERS THE TECH-  
24 NICIAN TO TESTIFY, THE TECHNICIAN MAY TESTIFY BY VIDEO OR VOICE  
25 COMMUNICATION EQUIPMENT THAT PERMITS THE WITNESS, COURT, ALL PAR-  
26 TIES, AND COUNSEL TO HEAR AND SPEAK TO EACH OTHER IN THE COURT,  
27 CHAMBERS, OR OTHER SUITABLE PLACE. A RECORD OF THE TESTIMONY

1 SHALL BE TAKEN IN THE SAME MANNER AS FOR OTHER TESTIMONY AT THE  
2 PRELIMINARY EXAMINATION.

3       Section 2. This amendatory act shall not take effect unless  
4 Senate Bill No. 689  
5                   of the 86th Legislature is enacted into law.