



**House  
Legislative  
Analysis  
Section**

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**GUILTY PLEAS: APPEALS**

House Bills 4070 and 4071  
Sponsor: Rep. Michael E. Nye  
Committee: Judiciary

Complete to 10-4-93

**A SUMMARY OF HOUSE BILLS 4070 AND 4071 AS INTRODUCED 2-2-93**

The bills would limit appeals brought following a plea of guilty or no-contest. Neither bill could take effect unless both were enacted.

House Bill 4070 would amend the Code of Criminal Procedure (MCL 770.3 and 770.35a) to forbid a court from accepting a plea of guilty or no-contest unless the defendant had waived the right to appeal his conviction. There would continue to be a right to appeal a sentence that departed from sentencing guidelines, and the appellate court could grant leave to appeal in other circumstances. The trial court would inform the defendant of his or her right to appeal a criminal conviction, how that right would be waived if the plea of guilty or no-contest was accepted, and that if the plea was accepted, the defendant would continue to have the right to file an application for leave to appeal.

The court would have to address the defendant personally and ascertain whether he or she understood and was voluntarily waiving the right to appeal. A waiver of appeal would have to be in writing and signed by the defendant on a form as prescribed by the bill. A verbatim record would be made of the waiver proceedings conducted under the bill.

House Bill 4071 would amend the Revised Judicature Act (MCL 600.308 et al.) to specify that appeals of guilty and no-contest pleas taken under House Bill 4070 would be appealable as a matter of right, if the appeal was for a departure from sentencing guidelines, and that all other appeals would be reviewable only by application for leave to appeal granted by the appellate court (the court of appeals, if the trial court was the circuit court; the circuit court, if the trial court was the district court).

House Bills 4070 and 4071 (10-4-93)