



**House
Legislative
Analysis
Section**

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LAB TECHNICIAN TESTIMONY

House Bills 4225 & 4226
Sponsor: Rep. Michael Goschka
Committee: Judiciary

Complete to 2-22-93

A SUMMARY OF HOUSE BILLS 4225 AND 4226 AS INTRODUCED 2-11-93

House Bill 4226 would amend the Revised Judicature Act (MCL 600.2167) to allow a state police forensic technician's testimony in a preliminary examination to be provided by video or voice communication equipment that permitted the technician, the court, all parties, and counsel to hear and speak to each other in the court, chambers, or other suitable place. A record of the testimony would be taken in the same manner as for other testimony at the preliminary examination.

These provisions would supplement and revise existing provisions that allow a lab technician to provide a written report instead of testifying in person. At present, the defense may serve a written notice on the prosecutor requesting that the technician testify. Under the bill, the defense would instead file a motion with the court explaining why the testimony is required. If the court granted the motion for good cause shown, the technician could give video or telephone testimony as provided above.

House Bill 4225 would amend the Code of Criminal Procedure (MCL 766.4) to exempt video testimony under House Bill 4226 from a requirement for preliminary examination witnesses to be examined in the presence of the accused.

Neither bill could take effect unless both were enacted.

House Bills 4225 and 4226 (2-22-93)