



HOUSE BILL No. 4226

February 11, 1993, Introduced by Reps. Goschka, Kukuk, Hoffman, Llewellyn, Lowe, London, Hill, Hammerstrom, Jamian, Weeks, Horton, Rocca, Bobier, Galloway, Whyman, Bullard, Bodem, Gernaat, Walberg, McManus, Nye, Dolan, Porreca, Jersevic, Brackenridge, Gnodtke, Bender, McBryde, Dalman, Middaugh, Sikkema, Cropsey, Martin, Shugars, Bankes, Stille, Munsell, Fitzgerald, Middleton and Dobb 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 divi-
6 sion ~~of crime detection of the department of public health or a~~
7 ~~technician of the scientific laboratory section~~ of the depart-
8 ment of state police CONCERNED WITH FORENSIC SCIENCE, signed by
9 that technician, or a notarized copy of the report, may be

1 received in evidence in place of the technician's appearance and
2 testimony.

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

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

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

1 COUNSEL TO HEAR AND SPEAK TO EACH OTHER IN THE COURT, CHAMBERS,
2 OR OTHER SUITABLE PLACE. A RECORD OF THE TESTIMONY SHALL BE
3 TAKEN IN THE SAME MANNER AS FOR OTHER TESTIMONY AT THE PRELIMI-
4 NARY EXAMINATION.

5 Section 2. This amendatory act shall not take effect unless
6 Senate Bill No. _____ or House Bill No. 4225 (request
7 no. 00716'93 a) of the 87th Legislature is enacted into law.