



SENATE BILL No. 1206

November 7, 1996, Introduced by Senator BOUCHARD and referred to the Committee on Judiciary.

A bill to amend Act No. 175 of the Public Acts of 1927, entitled as amended

"The code of criminal procedure,"

as amended, being sections 760.1 to 776.22 of the Michigan Compiled Laws, by adding section 37b to chapter VII.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 175 of the Public Acts of 1927, as
2 amended, being sections 760.1 to 776.22 of the Michigan Compiled
3 Laws, is amended by adding section 37b to chapter VII to read as
4 follows:

CHAPTER VII

5
6 SEC. 37B. (1) IF A CRIMINAL CHARGE IS FILED AGAINST AN
7 INDIVIDUAL WHO IS INCARCERATED IN A COUNTY JAIL OR STATE
8 CORRECTIONAL FACILITY OUTSIDE THE COUNTY IN WHICH THE ACTION IS
9 FILED, AND UNLESS THE INDIVIDUAL REQUESTS A PHYSICAL APPEARANCE

1 BEFORE THE COURT, A JUDGE OR DISTRICT COURT MAGISTRATE MAY
2 CONDUCT AN ARRAIGNMENT OR A PLEA TAKING PROCEEDING OF THAT INDI-
3 VIDUAL BY TELEPHONE OR BY MAIL.

4 (2) IF THE ARRAIGNMENT OR PLEA TAKING PROCEEDING IS CON-
5 DUCTED BY TELEPHONE, THE COURT SHALL NOTIFY THE PROSECUTOR AND
6 THE DEFENDANT'S COUNSEL, IF THE DEFENDANT HAS COUNSEL, OF THE
7 TIME SET FOR THE ARRAIGNMENT OR PLEA TAKING PROCEEDING. THE PRO-
8 CEEDING SHALL BE CONDUCTED IN OPEN COURT AND ON THE RECORD AND IN
9 A MANNER THAT ALLOWS THE COURT, DEFENDANT, AND ALL PARTIES AND
10 COUNSEL TO HEAR AND SPEAK TO EACH OTHER.

11 (3) IF THE ARRAIGNMENT OR PLEA TAKING PROCEEDING IS CON-
12 DUCTED BY MAIL, THE COURT MAY ACCEPT THE PLEA AND SET A DATE AND
13 TIME FOR FURTHER PROCEEDINGS. A COPY OF THE DOCUMENTS USED FOR
14 THE PROCEEDING SHALL BE AVAILABLE TO THE PROSECUTOR AND THE
15 DEFENDANT'S COUNSEL, IF THE DEFENDANT HAS COUNSEL.