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SFA**BILL ANALYSIS**

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Senate Bill 881 (as introduced 2-12-98)
Sponsor: Senator Joel D. Gougeon
Committee: Families, Mental Health and Human Services

Date Completed: 2-18-98

CONTENT

The bill would amend the Revised Judicature Act to specify circumstances under which a court could admit the testimony of a proposed witness about a statement made to the witness by someone who was developmentally disabled or under the age of 16 at the time the statement was made. This testimony would be admissible if the statement described an act that was criminal child abuse; child sexually abusive activity; first-, second-, third-, or fourth-degree criminal sexual conduct; assault with intent to commit criminal sexual conduct; and/or child abuse or child neglect as defined in the Child Protection Law. In addition, at a hearing before the trial, the court would have to find both of the following:

- Based on the testimony of the proposed witness, the circumstances leading to the statement provided sufficient indicators of its trustworthiness.
- The statement was not otherwise admissible.

The bill specifies that this testimony would be admissible regardless of the availability of the person who made the statement to the proposed witness. In addition, the witness's testimony would be substantive evidence of an act or omission that the statement described.

Proposed MCL 600.2170

Legislative Analyst: S. Lowe

FISCAL IMPACT

The bill would have an indeterminate fiscal impact. The effect the bill could have regarding the number of trials and convictions is speculative.

Fiscal Analyst: B. Bowerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.