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PRELIMINARY EXAMINATIONS: ALLOW HEARSAY EVIDENCE

House Bill 5234

Sponsor: Rep. Andrew Richner

Committee: Criminal Law and Corrections

Complete to 4-24-00

A SUMMARY OF HOUSE BILL 5234 AS INTRODUCED 1-25-00

Preliminary hearings are held in criminal cases to determine whether there is sufficient evidence to warrant trial of the defendant for the crime in question. In order to for the prosecution of the defendant to go forward, the court must conclude based upon the evidence presented in the preliminary hearing that there is probable cause to believe that a crime was committed and that the defendant committed that crime. The bill would amend the Revised Judicature Act to allow the use of hearsay evidence in the form of testimony or a signed writing by the complaining witness in preliminary examinations concerning property offenses. The hearsay evidence could be taken in place of the witness's appearance and testimony and could be used, in whole or in part, to support a finding of probable cause.

MCL 600.2167a

House Bill 5234 (4-24-00)

Analyst: W. Flory

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.