

# SENATE BILL No. 1309

June 7, 2000, Introduced by Senators BYRUM, V. SMITH, HART and DINGELL and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled  
"The code of criminal procedure,"  
by amending section 49 of chapter VII (MCL 767.49).

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

### CHAPTER VII

Sec. 49. (1) In any indictment it is sufficient for the  
purpose of identifying the accused to ~~state his~~ DO ANY OF THE  
FOLLOWING:

(A) STATE THE true name ~~, to state~~ OF THE ACCUSED.

(B) STATE the name, appellation, or nickname by which ~~he~~  
THE ACCUSED has been or is known. ~~, to state~~

(C) STATE a fictitious name. ~~, or to describe him~~

(D) DESCRIBE THE ACCUSED as a person whose name is unknown  
OR WHO IS UNKNOWN BUT HAS A PARTICULAR DNA PROFILE, or ~~to~~

1 describe him OR HER in any other manner. AS USED IN THIS  
2 SUBDIVISION, "DNA" MEANS HUMAN DEOXYRIBONUCLEIC ACID.

3 (2) In stating the true name or the name by which the  
4 accused has been or is known or a fictitious name, it is suffi-  
5 cient to state a surname, a surname and 1 or more ~~christian name~~  
6 ~~or~~ GIVEN names, or a surname and 1 or more abbreviations or ini-  
7 tials of a ~~christian~~ GIVEN name or names.

8 (3) It is sufficient for the purpose of identifying any  
9 group or association of persons, not incorporated, to state the  
10 proper name of ~~such~~ THE group or association, ~~( if such~~  
11 ~~there be)~~ IS ONE, to state any name or designation by which the  
12 group or association has been or is known, to state the names of  
13 all the persons in ~~such~~ THE group or association or of 1 or  
14 more of them, or to state the name or names of 1 or more persons  
15 in ~~such~~ THE group or association referring to the other or  
16 others as "another" or "others". It is sufficient for the pur-  
17 pose of identifying a corporation to state the corporate name of  
18 ~~such~~ THE corporation ~~,~~ or any name or designation by which  
19 ~~such~~ THE corporation has been or is known. It is not necessary  
20 for the purpose of identifying any group or association of per-  
21 sons or any corporation to state or prove the legal form of  
22 ~~such~~ THE group or association of persons or of ~~such~~ THE  
23 corporation. ~~In no case~~

24 (4) IT is ~~it~~ NOT necessary to aver or prove that the true  
25 name of any person, group, or association of persons or corpora-  
26 tion is unknown to the grand jury, complainant, or prosecuting  
27 officer. If in the course of the trial the true name of any

1 person, group, or association of persons or corporation  
2 identified otherwise than by the true name —, is disclosed by  
3 the evidence, the court, ~~shall~~ on motion of the accused or of  
4 the prosecuting attorney, SHALL, and ~~may~~ without ~~such~~ motion  
5 BY THE PARTIES MAY, insert the true name in the indictment wher-  
6 ever the name appears otherwise.