

# SENATE BILL No. 1559

November 5, 2008, Introduced by Senators BARCIA, KAHN, KUIPERS and ALLEN and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 37a of chapter VII (MCL 767.37a), as amended by 2006 PA 655.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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CHAPTER VII

Sec. 37a. (1) ~~A~~**WHENEVER POSSIBLE, A** judge or district court magistrate ~~may~~**SHALL** conduct initial criminal arraignments and set bail by 2-way interactive video technology communication between a court facility and a prison, jail, or other place where a person is imprisoned or detained. A judge or district court magistrate may conduct initial criminal arraignments and set bail on weekends, holidays, or at any time as determined by the court.

1 (2) A 2-way interactive video technology system used under  
2 this section shall enable the accused and the judge or district  
3 court magistrate to see, hear, and communicate with each other  
4 simultaneously, and shall enable defense counsel and the  
5 prosecuting attorney, if present, to be heard by and to communicate  
6 simultaneously with the accused, the judge or district court  
7 magistrate, and opposing counsel.

8 (3) Except as otherwise provided by law, the public shall have  
9 access to the courtroom or other location ~~that~~ that allows them to  
10 view and hear the proceedings.

11 (4) If proceedings conducted under this section are not  
12 recorded by an individual certified by the state court  
13 administrative office, the court shall record and maintain an  
14 original audiovisual recording of the entire proceedings. A  
15 recording made under this subsection shall become part of the court  
16 record.

17 (5) ~~This act does not prohibit the use of~~ **WHENEVER POSSIBLE, A**  
18 **JUDGE OR DISTRICT COURT MAGISTRATE SHALL USE** 2-way interactive  
19 video technology for arraignments on the information, criminal  
20 pretrial hearings, criminal pleas, sentencing hearings for  
21 misdemeanor violations cognizable in the district court, show cause  
22 hearings, or other criminal proceedings. ~~to the extent the~~  
23 ~~Michigan supreme court has authorized that use.~~