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BILL ANALYSIS

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Senate Bill 473 (as introduced 4-28-09)
Sponsor: Senator Jim Barcia
Committee: Judiciary

Date Completed: 4-28-09

CONTENT

The bill would amend the Code of Criminal Procedure to require, rather than allow, the use of two-way interactive video technology for certain court proceedings.

Under the Code, a judge or district court magistrate may conduct initial criminal arraignments and set bail by two-way interactive video technology communication between a court facility and a prison, jail, or other place where a person is imprisoned or detained. The bill instead would require judges and magistrates to use that technology for conducting initial criminal arraignments and setting bail, whenever possible.

The Code specifies that it does not prohibit the use of two-way interactive video technology for arraignments on the information, criminal pretrial hearings, criminal pleas, sentencing hearings for misdemeanor violations cognizable in the district court, show cause hearings, or other proceedings, to the extent the Michigan Supreme Court has authorized that use. The bill instead would require a judge or district court magistrate to use that technology for those proceedings whenever possible, and would delete the reference to the Supreme Court's authorization.

MCL 767.37a

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would codify current court procedure, and would not have a fiscal impact on the judiciary. To the extent the bill increased the use of two-way interactive video technology, there could be some savings to State and local units of government in transportation and staff costs.

Fiscal Analyst: Stephanie Yu

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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.