

SENATE BILL No. 1078

January 21, 2010, Introduced by Senators GARCIA, VAN WOERKOM, CROPSEY and NOFS and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 1 of chapter III and section 11a of chapter VI
(MCL 763.1 and 766.11a), section 11a of chapter VI as added by 2004
PA 20.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER III

Sec. 1. (1) On the trial of every indictment or other criminal
accusation, the party accused shall be allowed to be heard by
counsel and may defend himself **OR HERSELF**, and ~~he shall have~~ **HAS** a
right to produce witnesses and proofs in his **OR HER** favor, and,
EXCEPT AS PROVIDED IN SUBSECTION (2), meet the witnesses who are
produced against him ~~face to face~~ **OR HER**.

1 (2) ON MOTION OF EITHER PARTY, THE COURT SHALL PERMIT THE
2 TESTIMONY OF AN EXPERT WITNESS OR, UPON A SHOWING OF GOOD CAUSE,
3 ANY WITNESS TO BE CONDUCTED BY MEANS OF TELEPHONIC, VOICE, OR VIDEO
4 CONFERENCING.

5 CHAPTER VI

6 Sec. 11a. On motion of either party, the magistrate ~~may~~ **SHALL**
7 permit the testimony of an expert witness or, upon a showing of
8 good cause, any witness to be conducted by means of telephonic,
9 voice, or video conferencing.