



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 454 (Substitute S-1 as reported)
Sponsor: Senator Mike Nofs
Committee: Families, Seniors, and Human Services

CONTENT

The bill would amend the Revised Judicature Act (RJA) to extend to vulnerable adults special accommodations for witnesses in certain court proceedings. "Vulnerable adult" would mean that term as defined in Section 145m of the Michigan Penal Code (an individual who is at least 18 years old who requires supervision or personal care or lacks the personal and social skills required to live independently due to age, developmental disability, mental illness, or physical disability; a child placed in an adult foster care family home or small group home as authorized by the Department of Human Services; or a vulnerable person who is at least 18 years old who is suspected of being or believed to be abused, neglected, or exploited).

In some cases, the RJA allows special accommodations, such as using a video recording of a witness statement and excluding the public from the courtroom, for witnesses who are under 16 years of age or who are 16 or older and have a developmental disability.

Under the bill, the provision of special accommodations to a witness, including video recording a witness statement, would apply to a vulnerable adult in prosecutions and proceedings for certain crimes, including vulnerable adult abuse, home invasion, certain conduct by a caregiver or other person with authority over a vulnerable adult, embezzlement, and assault.

Under the RJA, if, upon the motion of a party before the preliminary examination or the trial, the court finds that excluding people not necessary to the proceedings from the courtroom and preventing the witness from directly viewing the defendant are necessary to protect the welfare of the witness, the court must order those special arrangements. In determining whether this is necessary, the court must consider certain factors. Under the bill, the court also would have to consider the physical condition of the witness.

MCL 600.2163a

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate, but likely negligible, fiscal impact on State and local government. To the extent that the bill increased the administrative workload of various courts, local jurisdictions could incur additional costs.

Date Completed: 9-30-11

Fiscal Analyst: Matthew Grabowski