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House Bill 4647 (Substitute S-1 as reported)
Sponsor: Representative Kurt Heise
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

The bill would amend the Revised Judicature Act to specify that, if a court determined that expert testimony would assist the trier of fact and that a witness was qualified to give the expert testimony, the court, with the consent of all parties, could allow the expert witness to be sworn and testify at trial by video communication equipment that permitted all the individuals appearing or participating to hear and speak to each other. A party who wished to present expert testimony by video communication equipment would have to submit a written motion and serve a copy of it on all other parties at least seven days before the date set for the trial, unless good cause was shown to waive this requirement. The party who initiated the use of video communication equipment for expert testimony would have to pay the cost for its use, unless the court directed otherwise.

The bill would take effect on June 1, 2012, and would apply only to actions filed on or after that date.

Proposed MCL 600.2164a

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. There are several areas of potential savings, but they would vary widely based on circumstances specific to local units and how frequently video conferencing was used.

Independently of this bill, the State Court Administrative Office (SCAO) has been assisting local courts in purchasing and installing videoconferencing equipment. At least 43 courts (across 40 counties, including nearly all in the northern parts of the State) have had this equipment installed in 2010 and 2011, and the SCAO plans to continue rolling out this technology until it is statewide in the next few years. Therefore, once installed, the marginal cost of using the equipment will be negligible. The average cost of procuring and installing the equipment at an individual court is approximately \$22,800. Thus, cost of these installations is not negligible; however, it would be inappropriate to attribute the cost to this bill.

The savings could result in a number of ways. If the State or a local unit were a party in a trial, videoconferencing could reduce overall legal costs, by eliminating the need to reimburse travel and lodging expenses of expert witnesses. If a State employee were in the role of the expert witness, videoconferencing would minimize the time the employee had to miss from fulfilling his or her primary duties.

It is important to note that the bill would allow, but not mandate, the use of videoconferencing, so if one of the parties or the judge did not consider it appropriate in a particular situation, then he or she could object to its use.

Date Completed: 1-25-12

Fiscal Analyst: Dan O'Connor