

HOUSE BILL No. 4647

May 17, 2011, Introduced by Reps. Heise, Horn, Gilbert, Tyler, McMillin, Walsh, Cotter, Damrow, MacGregor, Scott, Constan and Haveman and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9947) by adding section 2164a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 2164A. (1) IF A COURT HAS DETERMINED THAT EXPERT
2 TESTIMONY WILL ASSIST THE TRIER OF FACT AND THAT A WITNESS IS
3 QUALIFIED TO GIVE THE EXPERT TESTIMONY, THE COURT MAY, WITH THE
4 CONSENT OF ALL PARTIES OR FOR GOOD CAUSE, ALLOW THE EXPERT WITNESS
5 TO BE SWORN AND TESTIFY BY VIDEO COMMUNICATION EQUIPMENT THAT
6 PERMITS ALL THE INDIVIDUALS APPEARING OR PARTICIPATING TO HEAR AND
7 SPEAK TO EACH OTHER IN THE COURT, CHAMBERS, OR OTHER SUITABLE
8 PLACE. A VERBATIM RECORD OF THE TESTIMONY SHALL BE TAKEN IN THE
9 SAME MANNER AS FOR OTHER TESTIMONY.

1 (2) UNLESS GOOD CAUSE IS SHOWN TO WAIVE THE REQUIREMENT, A
2 PARTY WHO WISHES TO PRESENT EXPERT TESTIMONY BY VIDEO COMMUNICATION
3 EQUIPMENT UNDER SUBSECTION (1) SHALL SUBMIT A MOTION IN WRITING AND
4 SERVE A COPY OF THE MOTION ON ALL OTHER PARTIES AT LEAST 7 DAYS
5 BEFORE THE DATE SET FOR THE HEARING OR TRIAL.

6 (3) A PARTY WHO INITIATES THE USE OF VIDEO COMMUNICATION
7 EQUIPMENT UNDER THIS SECTION SHALL PAY THE COST FOR ITS USE, UNLESS
8 THE COURT OTHERWISE DIRECTS. IF THE USE OF VIDEO COMMUNICATION
9 EQUIPMENT UNDER THIS SECTION IS INITIATED BY THE COURT, THE COST
10 FOR ITS USE SHALL BE SHARED EQUALLY BY ALL PARTIES, UNLESS THE
11 COURT OTHERWISE DIRECTS.