

SENATE BILL No. 503

September 17, 2013, Introduced by Senators ANDERSON, HOPGOOD, ANANICH, JONES, BIEDA, JOHNSON, WHITMER, HUNTER, GREGORY, HOOD and YOUNG and referred to the Committee on Families, Seniors and Human Services.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 462l.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 462l. (1) EVIDENCE OF SPECIFIC INSTANCES OF A VICTIM'S
2 CRIMINAL CONDUCT, OPINION EVIDENCE OF THE VICTIM'S CRIMINAL
3 CONDUCT, AND REPUTATION EVIDENCE OF THE VICTIM'S CRIMINAL CONDUCT
4 SHALL NOT BE ADMITTED UNDER SECTIONS 462A TO 462J UNLESS, AND ONLY
5 TO THE EXTENT THAT, THE JUDGE FINDS THAT THE EVIDENCE IS MATERIAL
6 TO A FACT AT ISSUE IN THE CASE AND THAT ITS INFLAMMATORY OR
7 PREJUDICIAL NATURE DOES NOT OUTWEIGH ITS PROBATIVE VALUE.

8 (2) IF THE DEFENDANT PROPOSES TO OFFER EVIDENCE DESCRIBED IN
9 SUBSECTION (1), THE DEFENDANT WITHIN 10 DAYS AFTER THE ARRAIGNMENT
10 ON THE INFORMATION SHALL FILE A WRITTEN MOTION AND OFFER OF PROOF.

1 THE COURT MAY ORDER AN IN CAMERA HEARING TO DETERMINE WHETHER THE
2 PROPOSED EVIDENCE IS ADMISSIBLE UNDER SUBSECTION (1). IF NEW
3 INFORMATION IS DISCOVERED DURING THE COURSE OF THE TRIAL THAT MAY
4 MAKE THE EVIDENCE DESCRIBED IN SUBSECTION (1) ADMISSIBLE, THE JUDGE
5 MAY ORDER AN IN CAMERA HEARING TO DETERMINE WHETHER THE PROPOSED
6 EVIDENCE IS ADMISSIBLE UNDER SUBSECTION (1).