

HOUSE BILL No. 5392

January 10, 2018, Introduced by Reps. Sabo, Sowerby, Ellison, Lasinski, Green, Elder, Chang, Clemente, Yancey, LaGrand, Chirkun and Jones and referred to the Committee on Law and Justice.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
(MCL 760.1 to 777.69) by adding section 1m to chapter IX.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER IX

SEC. 1M. EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE COURT SHALL REQUIRE THAT A DEFENDANT CONVICTED AND SENTENCED FOR A FELONY OFFENSE AS PROVIDED IN THIS ACT BE PHYSICALLY PRESENT IN THE COURTROOM DURING HIS OR HER SENTENCING HEARING IN ANY CASE IN WHICH THERE WILL BE THE PRESENTATION OF ANY ORAL OR WRITTEN STATEMENT MADE BY A VICTIM AS PROVIDED FOR IN THE WILLIAM VAN REGENMORTER CRIME VICTIM'S RIGHTS ACT, 1985 PA 87, MCL 780.751 TO 780.834. THIS SECTION DOES NOT APPLY IF THE COURT, IN ITS DISCRETION, DETERMINES THE DEFENDANT NEED NOT BE PRESENT OR IF THE COURT DETERMINES THE

1 DEFENDANT'S PRESENCE POSES A DANGER TO OTHER INDIVIDUALS IN THE
2 COURTROOM OR IS DISRUPTIVE TO THE CONDUCT OF THE COURT'S BUSINESS.

3 Enacting section 1. This amendatory act takes effect 90 days
4 after the date it is enacted into law.