

THE CODE OF CRIMINAL PROCEDURE (EXCERPT)
Act 175 of 1927

766.11 Subpoena of witnesses; taking down evidence in shorthand; appointment, oath, and fees of stenographer; signing of testimony not required; testimony to be typewritten, certified, received, and filed; testimony as prima facie evidence.

Sec. 11. (1) Witnesses may be compelled to appear before the magistrate by subpoenas issued by the magistrate, or by an officer of the court authorized to issue subpoenas, in the same manner and with the same effect and subject to the same penalties for disobedience, or for refusing to be sworn or to testify, as in cases of trials in the circuit court.

(2) Unless otherwise provided by law, the evidence given by the witnesses examined in a municipal court shall be taken down in shorthand by a county stenographer where one has been appointed under the provision of a local act of the legislature or by the county board of commissioners of the county in which the examination is held, or the magistrate for cause shown may appoint some other suitable stenographer at the request of the prosecuting attorney of the county with the consent of the respondent or the respondent's attorney to act as official stenographer pro tempore for the court of the magistrate to take down in shorthand the testimony of an examination. A stenographer so appointed shall take the constitutional oath as the official stenographer and shall be entitled to the following fees: \$6.00 for each day and \$3.00 for each half day while so employed in taking down the testimony and 10 cents per folio for typewriting the testimony taken down in shorthand, or other compensation and fees as shall be fixed by the county board of commissioners appointing the stenographer.

The fees may be allowed and paid out of the treasury of the county in which the testimony is taken. It shall not be necessary for a witness or witnesses whose testimony is taken in shorthand by the stenographer to sign the testimony. Except as provided in section 15 of this chapter, the testimony so taken under this subsection, shall be typewritten, certified, received, and filed in the court to which the accused is held for trial.

(3) Testimony taken by a stenographer appointed pursuant to subsection (2) or taken by shorthand or recorded by a court stenographer or district court recorder as provided by law, when transcribed, shall be considered prima facie evidence of the testimony of the witness or witnesses at the examination.

History: 1927, Act 175, Eff. Sept. 5, 1927;—CL 1929, 17203;—CL 1948, 766.11;—Am. 1954, Act 19, Imd. Eff. Mar. 22, 1954;—Am. 1978, Act 155, Eff. July 1, 1978.

Former law: See section 16 of Ch. 163 of R.S. 1846, being CL 1857, § 5992; CL 1871, § 7858; How., § 9469; CL 1897, § 11853; CL 1915, § 15680; Act 168 of 1863; Act 160 of 1915; and Act 329 of 1917.