
Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 536 (Substitute S-1 as reported)
Sponsor: Senator Michael J. Bouchard
Committee: Judiciary

CONTENT

The bill would amend the Code of Criminal Procedure to allow certain court proceedings by telephone or other interactive electronic communication and others by mail.

Currently, unless a person requests physical presence before the court, a judge or district court magistrate may conduct initial criminal arraignments and set bail by two-way closed circuit television between a court facility and a prison, jail, or other place of imprisonment or detainment. The bill would delete "initial" from that authority and expand the provision to include communication by telephone or other interactive electronic communication medium. A telephone system would have to enable the accused, judge or magistrate, defense counsel, and prosecuting attorney to hear and communicate with each other simultaneously. An interactive electronic communication system would have to enable the accused and the judge or magistrate to see, hear, or otherwise communicate with each other simultaneously, and enable the defense counsel and the prosecutor to communicate simultaneously with the accused, the judge or magistrate, and opposing counsel.

The bill also specifies that, if a criminal charge were filed against a person imprisoned or detained in a jail or correctional facility outside the jurisdiction of the court in which the action was filed, a judge or magistrate could arraign the person by a form mailed or filed with the court, unless the person requested a physical appearance before the court. If an arraignment were conducted by mail or a filed document, the court would have to set a date and time for further proceedings. The State Court Administrator would have to develop forms for this use. A copy of any document used for the proceedings would have to be available to the prosecutor, the accused, and his or her attorney.

MCL 767.37a et al.

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. For a State prisoner to be escorted to court, depending upon security level, one or two guards are assigned. In addition to regular pay, guards are provided meals and paid overtime for working more than eight hours. Also, the State provides a vehicle and mileage to get the prisoner to court. Based on figures from the Department of Corrections, transporting a prisoner to court for a day with one guard and without overtime, costs about \$200. In 1996, about 4,600 prisoners were released to court on writ for pleadings, for trial, and as witnesses. With less distance to court, requiring less overtime and mileage costs, local governments could expect a lower level of cost-savings.

Date Completed: 12-10-97

Fiscal Analyst: K. Firestone