

CRIMINAL JURISPRUDENCE & PRACTICE COMMITTEE  
Respectfully submits the following position on:

\*

HB 4327

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The Criminal Jurisprudence & Practice Committee is comprised of members appointed by the President of the State Bar of Michigan.

The position expressed is that of the Criminal Jurisprudence & Practice Committee.

The State Bar of Michigan's position on this matter is to support the bill provided that two-way interactive technology is used instead of video recording. The State Bar believes this subject matter is more properly handled within the jurisdiction of the Michigan Supreme Court.

The total membership of the Criminal Jurisprudence & Practice Committee is 22.

The position was adopted after discussion at a scheduled meeting and e-vote. The number of members in the decision-making body is 22. The number who voted in favor to this position was 12. The number who voted opposed to this position was 4.

## Report on Public Policy Position

**Name of committee:**

Criminal Jurisprudence & Practice Committee

**Contact persons:**

Hon. David Hoort  
Gretchen Schlaff

**E-mail:**

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**Bill Number:**

[HB 4327](#) (Brunner) Civil procedure; evidence; testimony of a vulnerable adult; allow to be presented by videotape or closed-circuit television under certain circumstances. Amends sec. 2163a of [1961 PA 236](#) (MCL [600.2163a](#)).

**Date position was adopted:**

March 17, 2011

**Process used to take the ideological position:**

Position adopted after discussion and vote at a scheduled meeting and a further e-vote

**Number of members in the decision-making body:**

22

**Number who voted in favor and opposed to the position:**

12 Voted for position  
4 Voted against position  
0 Abstaining  
6 Did not vote

**Position:**

Support and Amend

**Explanation of the position, including any recommended amendments:**

The committee supports the bill provided that two-way interactive technology phrasing is used instead of video recording. There was extensive discussion as to whether this legislation would lead to violations of a defendant's right to confrontation.

**The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.**

<http://legislature.mi.gov/doc.aspx?2011-HB-4327>

**FOR LEGISLATIVE ISSUES ONLY:**

This position falls within the following Keller-permissible category:

- The regulation and discipline of attorneys
- ✓ The improvement of the functioning of the courts
- The availability of legal services to society
- The regulation of attorney trust accounts
- The regulation of the legal profession, including the education, the ethics, the competency, and the integrity of the profession.

**Keller-permissible explanation:**

The committee believed this legislation to be Keller permissible as affecting the functioning of the courts.