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The Honorable James A. Barcia
State Senator
State Capitol
P.O. Box 30036
Lansing, MI 48909-7536

306 Townsend Street

Michael Franck Building

Lansing, MI

48933-2012

RE: SB 473 – Video for Court Proceedings

Dear Senator Barcia:

At its June 2009 meeting, the State Bar of Michigan's Board of Commissioners unanimously voted to oppose SB 473. The position was adopted after consideration of recommendations from the State Bar's Criminal Law Section and Criminal Jurisprudence and Practice Committee.

The State Bar of Michigan supports the concept of encouraging efficiencies through the use of technology and the potential additional benefit of advancing enhanced safety, but also strongly supports the need to retain judicial discretion in the use of technology. In mandating that a judge use two-way interactive video technology if the technology is installed in the court's jurisdiction or available to the court, SB 473 arguably would take away a judge's authority to consider meritorious reasons for why a defendant should be physically present in the court room. The bill must also be clear that it does not compromise a defendant's constitutional right to appear at trial.

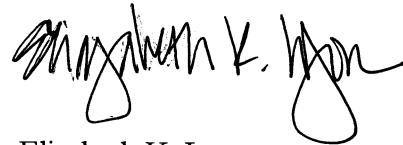
If the intent of SB 473 is to strongly encourage the use of two-way interactive technology, then the bill should be amended to clearly indicate that a judge retains discretion over the use of the technology.

If you would like to discuss this position in further detail or have questions, please contact us directly at your convenience.

Sincerely,



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