

VIDEORECORDING WITNESS STATEMENTS OF VULNERABLE ADULTS

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House Bill 4621 (Proposed Substitute H-1)

Sponsor: Rep. Dian Slavens

Committee: Senior Health, Security, and Retirement

Complete to 7-14-09

A SUMMARY OF HOUSE BILL 4621 (PROPOSED H-1)

House Bill 4621 would amend Section 2163a of the Revised Judicature Act, which deals with the procedures for using videorecorded statements of witnesses in court cases. The substitute bill would add the term "vulnerable adult" to the definitions in the section, and it would include vulnerable adults in the definition of "witness." (Currently, that term applies to a person under 16 years of age and a person older than that with a developmental disability.)

Currently, questioning of a witness must take into consideration the witness's developmental level. The bill would also require that the witness's *mental acuity* be considered.

The act specifies how to determine if special arrangements are necessary to protect the welfare of a witness. The bill would require that the *physical condition* of the witness also be taken into account.

Currently, videorecording of witnesses must, among other things, be in accordance with the forensic interview protocol as required by the Child Protection Law. The bill would add, "or as otherwise provided by law."

The term "vulnerable adult" as used in the bill is found in the Michigan Penal Code, where it means one or more of the following:

- (1) An individual age 18 or over who, because of age, developmental disability, mental illness, or physical disability requires supervision or personal care or lacks the personal and social skills required to live independently.
- (2) Certain older children who are placed in adult foster care family homes or an adult foster care small group homes under the Child Care Organizations Act. (This definition is from Section 3(1)(b) of the Adult Foster Care Facility Licensing Act, MCL 400.703.)
- (3) A vulnerable person not less than 18 years of age who is suspected of being or believed to be abused, neglected, or exploited. (This definition is from Section 11(b) of the Social Welfare Act, MCL 400.11.)

MCL 600.2163a

FISCAL IMPACT:

House Bill 4621 will have little or no fiscal impact on the judiciary.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.