Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 162 (Substitute S-1 as passed by the Senate)
Sponsor: Senator Mike Nofs
Committee: Judiciary

Date Completed: 3-28-13

RATIONALE

An issue has been raised concerning the venue where a felony may be prosecuted; that is, while the circuit court has jurisdiction, it is possible that a crime may be prosecuted in the circuit court of one or more counties. This issue came about as a result of an incident involving Jackson and Wayne Counties.

According to the Jackson County Prosecutor's office, in 2010, an attorney was recorded attempting to convince a witness to commit perjury in a civil suit in Jackson County. The conversation took place in Plymouth, Michigan, which is located in Wayne County. Under the Code of Criminal Procedure, a felony may be prosecuted only in a county where a felon committed the acts. As a result, Jackson County lacked jurisdiction to prosecute the attorney. Although Jackson County authorities provided information to Wayne County authorities, Wayne County officials decided not to prosecute the case. It has been suggested that increasing the scope of venue within the Code would prevent this type of situation from occurring in the future.

CONTENT

The bill would amend the Code of Criminal Procedure to allow a felony consisting of two or more acts to be prosecuted in any county where the defendant intended the crime to have an effect.

Under the Code, whenever a felony consists or is the culmination of two or more acts done in the perpetration of the felony, the violation may be prosecuted in any county where any one of those acts was committed. Under the bill, such a felony also could be prosecuted in any county where the defendant intended the felony or acts done in perpetration of the felony to have an effect.

MCL 762.8

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

By extending venue to a county in which a felon intended his or her actions to have an effect, the bill would enable the prosecuting attorney in that county to bring charges against the offender. This would help ensure that felons, by physically avoiding a county, did not escape prosecution through legal technicalities.

Legislative Analyst: Glenn Steffens

FISCAL IMPACT

To the extent that the expanded venues resulted in additional felony prosecutions, the bill could result in a marginal increase in caseload for local courts. There are no data to indicate how many prosecutions would occur in counties where the felonious act was intended to have an effect, rather than where it was committed.

Fiscal Analyst: Dan O'Connor

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