



Senate Fiscal Agency
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Senate Bills 727 and 728 (as reported without amendment)
Sponsor: Senator Darwin L. Boohar
Committee: Judiciary

CONTENT

Senate Bill 727 would amend the Code of Criminal Procedure to delete a requirement that a prosecuting attorney's appointment of an assistant prosecutor be done under the direction of the court.

The Code allows a prosecuting attorney, under the direction of the court, to obtain assistance in the trial of a person charged with a felony. In addition, under the direction of the court, the prosecuting attorney may appoint an assistant to perform his or her duties during a period of disability.

Under the bill, the prosecuting attorney would not need the direction of the court to take those actions. The bill also would authorize a prosecuting attorney to appoint an assistant to perform his or her duties when he or she was unable to do so, rather than during a period of disability.

Senate Bill 728 would amend Public Act 41 of 1911 (which authorizes prosecuting attorneys to appoint assistant prosecutors) to delete a requirement that the circuit court consent to the appointment of assistant prosecuting attorneys.

The Act allows the prosecuting attorney of any county to appoint an assistant prosecuting attorney, by and with the consent of the circuit judge of the judicial circuit in which the county is located. Under the bill, the prosecuting attorney would not need the consent of the circuit judge to appoint an assistant prosecuting attorney.

The bills are tie-barred.

MCL 776.18 (S.B. 727)
49.41 (S.B. 728)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

Date Completed: 10-19-11

Fiscal Analyst: David Zin