

# HOUSE BILL No. 4415

March 12, 2013, Introduced by Reps. Jacobsen, Price, Rutledge, Talabi, Stallworth, Lyons, Haveman, MacGregor and Victory and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
by amending section 859 (MCL 600.859), as amended by 2005 PA 326.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 859. (1) The following testimony before a probate judge  
2 shall be recorded:

3           (a) Testimony in contested matters.

4           (b) Testimony in matters pertaining to the admission to a  
5 hospital or other facility for mentally ill or developmentally  
6 disabled persons.

7           (c) Testimony in matters pertaining to persons having a  
8 contagious disease.

9           (d) Testimony in other matters if requested by an interested  
10 party.

1 (e) Testimony and other proceedings required by supreme court  
2 rule.

3 (2) In matters not governed by subsection (1), testimony  
4 before a probate judge, probate register, or deputy probate  
5 register may be given orally without a record being made of the  
6 testimony.

7 (3) The court shall keep sufficient index of the testimony and  
8 the court shall keep the index and the original notes ~~for at least~~  
9 ~~10 years~~ **AS PRESCRIBED BY SUPREME COURT RULES**. ~~The reporter or~~  
10 ~~recorder need not transcribe the testimony unless a transcript is~~  
11 ~~ordered by the court or a party. Except in those cases in which the~~  
12 ~~testimony is transcribed and filed with the record of the case,~~  
13 ~~notes pertaining to a hearing for the admission of any person to a~~  
14 ~~hospital or other place of detention as a mentally ill or~~  
15 ~~developmentally disabled person or as a person with a contagious~~  
16 ~~disease shall be destroyed only after the discharge of the person~~  
17 ~~from the hospital or facility.~~

18 ~~—— (4) Notes may not be destroyed until after 10 years after the~~  
19 ~~date of the hearing or as provided in subsection (3), whichever is~~  
20 ~~longer.~~

21 Enacting section 1. This amendatory act does not take effect  
22 unless all of the following bills of the 97th Legislature are  
23 enacted into law:

24 (a) Senate Bill No. \_\_\_ or House Bill No. 4416 (request no.  
25 00298'13).

26 (b) Senate Bill No. \_\_\_ or House Bill No. 4412 (request no.  
27 00300'13).

1 (c) Senate Bill No. \_\_\_\_ or House Bill No. 4413 (request no.  
2 00301'13).

3 (d) Senate Bill No. \_\_\_\_ or House Bill No. 4417 (request no.  
4 00302'13).

5 (e) Senate Bill No. \_\_\_\_ or House Bill No. 4414 (request no.  
6 00303'13).