

# HOUSE BILL NO. 4957

September 12, 2019, Introduced by Rep. Hornberger and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
(MCL 750.1 to 750.568) by adding section 136e.

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

1           **Sec. 136e. (1) In a criminal prosecution related to the abuse**  
2 **of a child under this chapter, the court may appoint, upon its own**  
3 **motion or upon the motion of any party, an advocate to represent**  
4 **the interests of an unborn human fetus. If a court orders the**  
5 **appointment of an advocate under this section, the court shall**



1 appoint the advocate from a list provided to the court, as  
2 described in subsection (3), by child protective services. A  
3 decision by the court denying a request to appoint an advocate  
4 under this section is not subject to appeal.

5 (2) An advocate appointed by the court under subsection (1)  
6 may do any of the following:

7 (a) Monitor the case.

8 (b) Consult an individual with information that may aid the  
9 judge or fact finder and review records relating to the condition  
10 of the unborn human fetus and a defendant's actions, including, but  
11 not limited to, records from a police officer.

12 (c) Attend hearings.

13 (d) Recommend and coordinate appropriate expert testimony if  
14 necessary and appropriate.

15 (e) Prepare and present a victim impact statement on behalf of  
16 the unborn human fetus.

17 (f) Present other information or recommendations to the court  
18 that are related to a determination regarding the interests of the  
19 unborn human fetus or the interests of justice. The information and  
20 recommendations permitted under this subdivision are limited to  
21 information and recommendations that are relevant to the duties  
22 undertaken under this subsection.

23 (3) The list provided to the court under subsection (1) must  
24 include the following:

25 (a) The names and contact information of attorneys licensed to  
26 practice law in this state who have knowledge of the legal system  
27 as it relates to unborn human fetus issues.

28 (b) The names and contact information of law schools located  
29 in this state that have students, or anticipate having students,



1 with an interest in the legal system as it relates to unborn human  
2 fetus issues.

3 (4) The attorneys and law students described in subsection (3)  
4 are eligible to serve on a voluntary basis as an advocate under  
5 this section. A law student who participates as an advocate under  
6 this section is subject to the Michigan Rules of Professional  
7 Conduct.

8 (5) As used in this section, "law school" means a law school  
9 accredited by the American Bar Association located in this state.

10 Enacting section 1. This amendatory act takes effect 90 days  
11 after the date it is enacted into law.

