

HOUSE BILL No. 5092

October 18, 2011, Introduced by Rep. Johnson and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 18 of chapter XVI (MCL 776.18).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XVI

1
2 Sec. 18. The prosecuting attorney may ~~, under the direction of~~
3 ~~the court, procure such~~ **THE** assistance in the trial of any person
4 charged with a felony as he ~~may deem~~ **OR SHE CONSIDERS** necessary.
5 ~~for the trial thereof, and the prosecuting attorney may, under the~~
6 ~~direction of the court, in case of disability of the prosecuting~~
7 ~~attorney,~~ **THE PROSECUTING ATTORNEY MAY** appoint an assistant to
8 perform his **OR HER** duties during **A PERIOD WHEN** the disability of
9 ~~the prosecuting attorney, and such~~ **PROSECUTING ATTORNEY IS UNABLE**

1 **TO PERFORM THOSE DUTIES. AN** assistant **APPOINTED UNDER THIS SECTION**
2 shall be allowed ~~such~~ **PAID** reasonable compensation as **DETERMINED BY**
3 the board of supervisors or the board of county auditors, ~~in~~
4 ~~counties having county auditors shall determine,~~ **AS APPLICABLE,** for
5 ~~his~~ **THOSE** services. ~~to be paid by the county treasurer upon~~
6 ~~presenting to said board the certificate of the circuit judge of~~
7 ~~the county for which such services were performed, certifying to~~
8 ~~the services rendered by such assistant: Provided, That no~~ **NO**
9 ~~person or attorney~~ shall be employed or appointed as assistant
10 **PROSECUTOR** who is interested as **AN** attorney or otherwise in ~~any~~ **A**
11 case involving the same facts or circumstances involved in ~~the~~
12 ~~eases~~ **A CASE** to be conducted or tried by ~~said~~ **THE** assistant, ~~or~~
13 **PROSECUTOR** or who has received any compensation from any person ~~or~~
14 ~~persons who are interested in such~~ **WITH AN INTEREST IN THOSE** cases.

15 Enacting section 1. This amendatory act does not take effect
16 unless Senate Bill No. ____ or House Bill No. 5091 (request no.
17 02939'11) of the 96th Legislature is enacted into law.