

Order

Michigan Supreme Court
Lansing, Michigan

April 1, 2008

Clifford W. Taylor,
Chief Justice

ADM File No. 2007-28

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly

Proposed Amendment
of Rule 3.901 of the
Michigan Court Rules

Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

Proposed Adoption of
New Rule 3.930 of the
Michigan Court Rules

On order of the Court, this is to advise that the Court is considering an amendment of Rule 3.901 and the adoption of Rule 3.930 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter will be considered at a public hearing by the Court before a final decision is made. The notices and agendas for public hearings are posted at www.courts.michigan.gov/supremecourt.

Publication of these proposals does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposals in their present form.

[Additions are indicated by underline, and deletions by strikethrough.]

Rule 3.901 Applicability of Rules

(A) [Unchanged.]

(B) Application. Unless the context otherwise indicates:

(1) MCR 3.901- ~~3.928~~ 3.930, 3.980, and 3.991-3.993 apply to delinquency proceedings and child protective proceedings.

(2)–(5) [Unchanged.]

Rule 3.930 Receipt and Return or Disposal of Exhibits in Juvenile Proceedings.

- (A) Receipt of Exhibits. Exhibits introduced into evidence at or during court proceedings shall be received and maintained as provided by Michigan Supreme Court trial court case file management standards.
- (B) Return or Disposal of Exhibits. At the conclusion of a trial or hearing, exhibits may be retrieved by the parties submitting them except that any weapons and drugs shall be returned to the confiscating agency for proper disposition. If the exhibits are not retrieved by the parties within 56 days after the conclusion of the trial or hearing, the court may properly dispose of the exhibits without notice to the parties.
- (C) Confidentiality. If the court retains an exhibit after a hearing or trial and the exhibit is confidential as provided by MCR 3.903(A)(3), the court must continue to maintain the exhibit in a confidential manner.

Staff Comment: The proposal would allow the court to return or destroy exhibits within 56 days of the completion of the trial or hearing. In addition, the admission of an exhibit into evidence would not change the confidential nature of that exhibit, and the court would be required to maintain confidential exhibits in accordance with MCR 3.903(A)(3).

The staff comment is not an authoritative construction by the Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on these proposals may be sent to the Supreme Court Clerk in writing or electronically by August 1, 2008, at P.O. Box 30052, Lansing, MI 48909, or MSC_clerk@courts.mi.gov. When filing a comment, please refer to ADM File No. 2007-28. Your comments and the comments of others will be posted at: www.courts.mi.gov/supremecourt/resources/administrative/index.htm.



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

April 1, 2008

Corbin R. Davis

Clerk