

SENATE BILL No. 16

January 30, 2001, Introduced by Senator BYRUM and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 49 of chapter VII (MCL 767.49).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER VII

Sec. 49. (1) In any indictment it is sufficient for the
purpose of identifying the accused to ~~state his~~ DO ANY OF THE
FOLLOWING:

(A) STATE THE true name ~~, to state~~ OF THE ACCUSED.

(B) STATE the name, appellation, or nickname by which ~~he~~
THE ACCUSED has been or is known. ~~, to state~~

(C) STATE a fictitious name ~~, or to describe him~~ OF THE
ACCUSED.

(D) DESCRIBE THE ACCUSED as a person whose name is unknown
OR WHO IS UNKNOWN BUT HAS A PARTICULAR DNA PROFILE, or ~~to~~

1 describe him OR HER in any other manner. AS USED IN THIS
2 SUBDIVISION, "DNA" MEANS HUMAN DEOXYRIBONUCLEIC ACID.

3 (2) In stating the true name or the name by which the
4 accused has been or is known or a fictitious name, it is suffi-
5 cient to state a surname, a surname and 1 or more ~~christian name~~
6 ~~or~~ GIVEN names, or a surname and 1 or more abbreviations or ini-
7 tials of a ~~christian~~ GIVEN name or names.

8 (3) It is sufficient for the purpose of identifying any
9 group or association of persons, not incorporated, to state the
10 proper name of ~~such~~ THE group or association, ~~(if such~~
11 ~~there be)~~ IS ONE, to state any name or designation by which the
12 group or association has been or is known, to state the names of
13 all the persons in ~~such~~ THE group or association or of 1 or
14 more of them, or to state the name or names of 1 or more persons
15 in ~~such~~ THE group or association referring to the other or
16 others as "another" or "others". It is sufficient for the pur-
17 pose of identifying a corporation to state the corporate name of
18 ~~such~~ THE corporation ~~,~~ or any name or designation by which
19 ~~such~~ THE corporation has been or is known. It is not necessary
20 for the purpose of identifying any group or association of per-
21 sons or any corporation to state or prove the legal form of
22 ~~such~~ THE group or association of persons or of ~~such~~ THE
23 corporation. ~~In no case~~

24 (4) IT is ~~it~~ NOT necessary to aver or prove that the true
25 name of any person, group, or association of persons or corpora-
26 tion is unknown to the grand jury, complainant, or prosecuting
27 officer. If in the course of the trial the true name of any

1 person, group, or association of persons or corporation
2 identified otherwise than by the true name —, is disclosed by
3 the evidence, the court, ~~shall~~ on motion of the accused or of
4 the prosecuting attorney, SHALL, and ~~may~~ without ~~such~~ motion
5 BY THE PARTIES MAY, insert the true name in the indictment wher-
6 ever the name appears otherwise.