

SENATE BILL No. 151

February 6, 2003, Introduced by Senator CLARKE and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 6 of chapter V (MCL 765.6), as amended by
1988 PA 46.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER V

Sec. 6. (1) Except as otherwise provided by law, a person
accused of a criminal offense is entitled to bail. The amount of
bail shall not be excessive. ~~and shall be uniform whether the~~
~~bail bond is executed by the person for whom bail has been set or~~
~~by a surety.~~ The court in fixing the amount of the bail shall
consider and make findings on the record as to each of the
following:

(a) The seriousness of the offense charged.

(b) The protection of the public.

1 (c) The previous criminal record and the dangerousness of the
2 person accused.

3 (d) The probability or improbability of the person accused
4 appearing at the trial of the cause.

5 **(2) If the court fixes a bail amount under subsection (1) and**
6 **allows for the posting of a 10% deposit bond, the person accused**
7 **may post bail by a surety bond in an amount equal to 1/2 of the**
8 **full bail amount fixed under subsection (1) and executed by a**
9 **surety approved by the court.**

10 **(3) ~~-(2)-~~ If a person is arrested for an ordinance violation**
11 **or a misdemeanor and if the defendant's operator's or chauffeur's**
12 **license is not expired, suspended, revoked, or cancelled, ~~then~~**
13 **the court may require the defendant, in place of other security**
14 **for the defendant's appearance in court for trial or sentencing**
15 **or, ~~in addition, to~~ as a condition for** release of the defendant
16 **on personal recognizance, to surrender to the court his or her**
17 **operator's or chauffeur's license. The court shall issue to the**
18 **defendant a receipt for the license, as provided in section 311a**
19 **of the Michigan vehicle code, ~~Act No. 300 of the Public Acts of~~**
20 **~~1949, being section 257.311a of the Michigan Compiled Laws~~ 1949**
21 **PA 300, MCL 257.311a.** If the trial date is set at the
22 arraignment, the court shall specify on the receipt the date on
23 which the defendant is required to appear for trial. If a trial
24 date is not set at the arraignment, the court shall specify on
25 the receipt a date on which the receipt expires. By written
26 notice the court may extend the expiration date of the receipt,
27 as needed, to secure the defendant's appearance for trial and

1 sentencing. The written notice shall instruct the person to whom
2 the receipt was issued to attach the notice to the receipt. Upon
3 its attachment to the receipt, the written notice shall be
4 considered a part of the receipt for purposes of determining the
5 expiration date. At the conclusion of the trial or imposition of
6 sentence, as applicable, the court shall return the license to
7 the defendant unless other disposition of the license is
8 authorized by law.