

# SENATE JOINT RESOLUTION G

September 15, 2005, Introduced by Senator GOSCHKA and referred to the Committee on Judiciary.

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 15 of article I, to allow the denial of bail for an individual charged with a felony involving the sexual assault of an individual less than 16 years of age.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to the state constitution of 1963, to allow the denial of bail for an individual charged with a felony involving the sexual assault of an individual less than 16 years of age, is proposed, agreed to, and submitted to the people of the state:

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ARTICLE I

Sec. 15. No person shall be subject for the same offense to be twice put in jeopardy. All persons shall, before conviction, be bailable by sufficient sureties, except that bail may be denied for the following persons when the proof is evident or the presumption great:

(a) A person who, within the 15 years immediately preceding a motion for bail pending the disposition of an indictment for a violent felony or of an arraignment on a warrant charging a violent felony, has been convicted of 2 or more violent felonies under the laws of this state or under substantially similar laws of the United States or another state, or a combination thereof, only if the prior felony convictions arose out of at least 2 separate incidents, events, or transactions.

(b) A person who is indicted for, or arraigned on a warrant charging, murder or treason.

(c) A person who is indicted for, or arraigned on a warrant charging, criminal sexual conduct in the first degree, armed robbery, or kidnapping with intent to extort money or other valuable thing thereby, unless the court finds by clear and convincing evidence that the defendant is not likely to flee or present a danger to any other person.

(d) A person who is indicted for, or arraigned on a warrant charging, a violent felony which is alleged to have been committed while the person was on bail, pending the disposition of a prior violent felony charge or while the person was on probation or parole as a result of a prior conviction for a violent felony.

1           (E) A PERSON WHO IS INDICTED FOR, OR ARRAIGNED ON A WARRANT  
2 CHARGING, ANY FELONY INVOLVING SEXUAL ASSAULT OF AN INDIVIDUAL LESS  
3 THAN 16 YEARS OF AGE.

4           If a person is denied admission to bail under this section,  
5 the trial of the person shall be commenced not more than 90 days  
6 after the date on which admission to bail is denied. If the trial  
7 is not commenced within 90 days after the date on which admission  
8 to bail is denied and the delay is not attributable to the defense,  
9 the court shall immediately schedule a bail hearing and shall set  
10 the amount of bail for the person.

11           As used in this section, "violent felony" means a felony, an  
12 element of which involves a violent act or threat of a violent act  
13 against any other person.

14 ~~—— This section, as amended, shall not take effect until May 1,~~  
15 ~~1979.~~

16           Resolved further, That the foregoing amendment shall be  
17 submitted to the people of the state at the next general election  
18 in the manner provided by law.