

# HOUSE BILL No. 6069

November 29, 2012, Introduced by Rep. McMillin 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 2004 PA 167, and by adding section 6e to chapter V; and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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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. 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.

1 (b) The protection of the public.

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

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

6 (2) ~~IF~~ **SUBJECT TO SECTION 6E, IF** the court fixes a bail amount  
7 under subsection (1) and allows for the posting of a 10% deposit  
8 bond, the person accused may post bail by a surety bond in an  
9 amount equal to 1/4 of the full bail amount fixed under subsection  
10 (1) and executed by a surety approved by the court.

11 (3) If a person is arrested for ~~an ordinance violation or a~~  
12 misdemeanor, **INCLUDING AN ORDINANCE VIOLATION**, and ~~if~~ the  
13 defendant's operator's or chauffeur's license is not expired,  
14 suspended, revoked, or cancelled, the court may require the  
15 defendant, in place of other security for the defendant's  
16 appearance in court for trial or sentencing or, as a condition for  
17 release of the defendant on personal recognizance, to surrender to  
18 the court his or her operator's or chauffeur's license. The court  
19 shall issue to the defendant a receipt for the license, as provided  
20 in section 311a of the Michigan vehicle code, 1949 PA 300, MCL  
21 257.311a. If the trial date is set at the arraignment, the court  
22 shall specify on the receipt the date on which the defendant is  
23 required to appear for trial. If a trial date is not set at the  
24 arraignment, the court shall specify on the receipt a date on which  
25 the receipt expires. By written notice the court may extend the  
26 expiration date of the receipt, as needed, to secure the  
27 defendant's appearance for trial and sentencing. The written notice

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

8           **SEC. 6E. BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT**  
9 **THAT ADDED THIS SECTION, A PERSON CHARGED WITH COMMITTING A FELONY**  
10 **SHALL BE RELEASED ON BAIL ONLY UPON PAYMENT OF AN AMOUNT SET BY THE**  
11 **COURT FOR HIS OR HER RELEASE AND SHALL NOT BE RELEASED SUBJECT TO**  
12 **HIS OR HER OWN RECOGNIZANCE OR BY POSTING ONLY A PORTION OF THAT**  
13 **AMOUNT.**

14           Enacting section 1. Section 24 of chapter V of the code of  
15 criminal procedure, 1927 PA 175, MCL 765.24, is repealed.