

SENATE BILL No. 429

June 30, 1987, Introduced by Senators CARL, ARTHURHULTZ, GEO. HART, DILLINGHAM, POSTHUMUS, GEAKE, FREDRICKS, WELBORN and CROSEY and referred to the Committee on Judiciary.

A bill to amend section 6 of chapter V of Act No. 175 of the Public Acts of 1927, entitled as amended

"The code of criminal procedure,"

as amended by Act No. 56 of the Public Acts of 1983, being section 765.6 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 6 of chapter V of Act No. 175 of the
2 Public Acts of 1927, as amended by Act No. 56 of the Public Acts
3 of 1983, being section 765.6 of the Michigan Compiled Laws, is
4 amended to read as follows:

5 CHAPTER V

6 Sec. 6. (1) ~~In all other cases the~~ EXCEPT AS OTHERWISE
7 PROVIDED BY LAW, A person accused OF A CRIMINAL OFFENSE is
8 entitled to bail. The amount of bail shall be uniform whether
9 the bail bond is executed by the person for whom bail has been

1 set or by a surety. The amount of the recognizance shall be
2 fixed with consideration of the seriousness of the offense
3 charged, THE PROTECTION OF THE PUBLIC, the previous criminal
4 record AND THE DANGEROUSNESS of the ~~defendant~~ PERSON ACCUSED,
5 and the probability or improbability of the ~~defendant~~ PERSON
6 appearing at the trial of the cause.

7 (2) If a person is arrested for an ordinance violation or a
8 misdemeanor and if ~~the defendant's~~ HIS OR HER operator's or
9 chauffeur's license is not expired, suspended, revoked, or
10 ~~cancelled, then~~ CANCELED, the court may ~~require~~ RELEASE the
11 ~~defendant~~ PERSON ON PERSONAL RECOGNIZANCE AND, in ~~place~~ LIEU
12 of other security for the ~~defendant's~~ PERSON'S appearance in
13 court for trial or sentencing ~~or, in addition, to release of the~~
14 ~~defendant on personal recognizance~~ REQUIRE THE PERSON to surren-
15 der to the court his or her operator's or chauffeur's license.
16 The court shall issue A RECEIPT to the ~~defendant a receipt~~
17 PERSON WHO SURRENDERS HIS OR HER LICENSE AS SECURITY UNDER THIS
18 SUBSECTION for the license, as provided in section 311a of the
19 Michigan vehicle code, Act No. 300 of the Public Acts of 1949,
20 being section 257.311a of the Michigan Compiled Laws. If the
21 trial date is set at the arraignment, the court shall specify on
22 the receipt the date on which the ~~defendant~~ PERSON is required
23 to appear for trial. If a trial date is not set at the arraign-
24 ment, the court shall specify on the receipt a date on which the
25 receipt expires. By written notice ~~, which shall instruct a~~
26 ~~person who has surrendered a license as security under this~~
27 ~~subsection to attach the notice to the receipt issued under this~~

1 ~~subsection,~~ the court may extend the expiration date of the
2 receipt, as needed, to secure the ~~defendant's~~ PERSON'S appear-
3 ance for trial and sentencing. THE WRITTEN NOTICE SHALL INSTRUCT
4 THE PERSON TO WHOM THE RECEIPT WAS ISSUED TO ATTACH THE NOTICE TO
5 THE RECEIPT. Upon its attachment to the receipt, the written
6 notice shall be considered a part of the receipt for purposes of
7 determining the expiration date. At the conclusion of the trial
8 or imposition of sentence, as applicable, the court shall return
9 the license to the ~~defendant~~ PERSON unless other disposition of
10 the license is authorized by law.