



SENATE BILL No. 1126

April 28, 1994, Introduced by Senators POLLACK, SMITH, CONROY, HOLMES, FAXON, HART and KELLY and referred to the Committee on Family Law, Mental Health, and Corrections

A bill to amend section 6b of chapter V of Act No 175 of the Public Acts of 1927, entitled as amended
"The code of criminal procedure,"
as added by Act No 53 of the Public Acts of 1993, being section 765 6b of the Michigan Compiled Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Section 6b of chapter V of Act No 175 of the
2 Public Acts of 1927, as added by Act No 53 of the Public Acts of
3 1993, being section 765 6b of the Michigan Compiled Laws, is
4 amended to read as follows

CHAPTER V

5
6 Sec 6b (1) A judge or district court magistrate may
7 release under this section a defendant subject to conditions
8 reasonably necessary for the protection of 1 or more named

1 persons INCLUDING BUT NOT LIMITED TO 1 OR MORE OF THE FOLLOWING
2 CONDITIONS

3 (A) ORDERING THE PERSON TO PLACE ALL FIREARMS OWNED OR POS-
4 SESSED BY THE DEFENDANT IN THE CUSTODY OF A PERSON OR ENTITY DES-
5 IGNATED BY THE COURT DURING THE PERIOD OF PRETRIAL RELEASE

6 (B) ORDERING THE PERSON NOT TO POSSESS A FIREARM DURING THE
7 PERIOD OF PRETRIAL RELEASE

8 (2) If a judge or district court magistrate releases under
9 this section a defendant subject to protective conditions, the
10 judge or district court magistrate shall make a finding of the
11 need for protective conditions and inform the defendant on the
12 record, either orally or by a writing that is personally deliv-
13 ered to the defendant, of the specific conditions imposed and
14 that if the defendant violates a condition of release, he or she
15 will be subject to arrest without a warrant and may have his or
16 her bail forfeited or revoked and new conditions of release
17 imposed, in addition to any other penalties that may be imposed
18 if the defendant is found in contempt of court

19 (3) ~~-(2)-~~ An order or amended order issued under subsection
20 (1) shall contain all of the following

21 (a) A statement of the defendant's full name

22 (b) A statement of the defendant's height, weight, race,
23 sex, date of birth, hair color, eye color, and any other identi-
24 fying information the judge or district court magistrate consid-
25 ers appropriate

26 (c) A statement of the date the conditions become
27 effective

(d) A statement of the date on which the order will expire

(e) A statement of the conditions imposed

(4) ~~-(3)-~~ The judge or district court magistrate shall imme-

diately direct a law enforcement agency within the jurisdiction

of the court, in writing, to enter an order or amended order

issued under subsection (1) into the law enforcement information

network as provided by the L E I N policy council act of 1974,

Act No 163 of the Public Acts of 1974, being sections 28 211 to

28 216 of the Michigan Compiled Laws If the order or amended

order is rescinded, the judge or district court magistrate shall

immediately order the law enforcement agency to remove the order

or amended order from the law enforcement information network

(5) ~~-(4)-~~ A law enforcement agency within the jurisdiction

of the court shall immediately enter an order or amended order

into the law enforcement information network as provided by Act

No 163 of the Public Acts of 1974, or shall remove the order or

amended order from the law enforcement information network upon

expiration of the order or as directed by the court under subsec-

tion ~~-(3)-~~ (4)

(6) ~~-(5)-~~ This section does not limit the authority of

judges or district court magistrates to impose protective or

other release conditions under other applicable statutes or court

rules

(7) EXCEPT AS PROVIDED IN SUBSECTION (8), A PERSON WHO VIO-

LATES AN ORDER ISSUED UNDER SUBSECTION (1) IS SUBJECT TO THE CON-

TEMPT POWERS OF THE COURT

1 (8) A PERSON WHO VIOLATES SUBSECTION (1)(A) OR (B) IS
2 SUBJECT TO THE CONTEMPT POWERS OF THE COURT, AND IS GUILTY OF A
3 CRIME AS PROVIDED IN SECTION 411J OF THE MICHIGAN PENAL CODE, ACT
4 NO 368 OF THE PUBLIC ACTS OF 1931, BEING SECTION 750 411J OF THE
5 MICHIGAN COMPILED LAWS

6 Section 2 This amendatory act shall not take effect unless
7 all of the following bills of the 87th Legislature are enacted
8 into law

9 (a) Senate Bill No 1124

10

11 (b) Senate Bill No 1125

12