

# HOUSE JOINT RESOLUTION 00

February 12, 2008, Introduced by Reps. Agema, Acciavatti, Palsrok, Shaffer, Horn, Pavlov, Amos, Meltzer, Stakoe, Booher, Emmons, Walker, Caswell, Stahl, Rick Jones, Huizenga, Casperson, Meekhof, DeRoche, Robertson, Nitz, Garfield, Opsommer, Knollenberg and Calley 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 prohibit granting bail to any person who is charged with a felony and who has illegally entered or illegally remained in the United States.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to the state constitution of 1963, to prohibit granting bail to any person who is charged with a felony and who has illegally entered or illegally remained in the United States, is proposed, agreed to, and submitted to the people of the state:

## ARTICLE I

1           Sec. 15. (1) No person shall be subject for the same offense  
2 to be twice put in jeopardy.

3           (2) All persons **OTHER THAN PERSONS DESCRIBED IN SUBSECTION (3)**  
4 shall, before conviction, be bailable by sufficient sureties,  
5 except that bail may be denied for the following persons when the  
6 proof is evident or the presumption great:

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

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

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

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

1           (3) ALL PERSONS WHO ILLEGALLY ENTERED THE UNITED STATES OR  
2 ILLEGALLY REMAIN IN THE UNITED STATES AND WHO ARE INDICTED FOR OR  
3 ARRAIGNED ON A WARRANT CHARGING ANY FELONY SHALL NOT BE BAILABLE.

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

11           (5) As used in this section, "violent felony" means a felony,  
12 an element of which involves a violent act or threat of a violent  
13 act 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.