

# HOUSE BILL NO. 5269

December 04, 2019, Introduced by Reps. LaGrand, Gay-Dagnogo, Hood, Yancey, Tate, Bolden, Tyrone Carter, Camilleri, Manoogian, Liberati, Chirkun, Shannon, Wittenberg, Guerra, Anthony, Garza, Sabo, Sowerby, Rabhi, Kennedy, Hope, Cynthia Johnson, Sneller, Hammoud, Stone, Hoadley, Ellison, Koleszar, Lasinski, Brenda Carter, Byrd, Kuppa, Robinson and Jones 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.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER V  
2 Sec. 6. (1) Except as otherwise provided by law, a person  
3 accused of a criminal offense is entitled to bail. The amount of  
4 bail ~~shall~~**must** not be excessive. The court in fixing the amount of  
5 the bail shall consider and make findings on the record as to each



1 of the following:

2 (a) The seriousness of the offense charged.

3 (b) The protection of the public.

4 (c) The previous criminal record and the dangerousness of the  
5 person accused.

6 (d) The probability or improbability of the person accused  
7 appearing at the trial of the ~~cause~~-case.

8 (2) If the court fixes a bail amount under subsection (1) and  
9 allows for the posting of a 10% deposit bond, the person accused  
10 may post bail by a surety bond in an amount equal to 1/4 of the  
11 full bail amount fixed under subsection (1) and executed by a  
12 surety approved by the court.

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

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

7 (4) Except as otherwise provided by law, if a person is  
8 arrested for a misdemeanor that is not a serious misdemeanor or an  
9 assaultive crime the court must release the defendant on his or her  
10 personal recognizance.

11 (5) As used in this section:

12 (a) "Assaultive crime" includes any of the following:

13 (i) A violation described in section 9a of chapter X of the  
14 code of criminal procedure, 1927 PA 175, MCL 770.9a.

15 (ii) A violation of chapter XI of the Michigan penal code, 1931  
16 PA 328, MCL 750.81 to 750.90h, not otherwise included in  
17 subparagraph (i) .

18 (iii) A violation of section 110a, 136b, 234a, 234b, 234c, 349b,  
19 or 411h(2)(a) of the Michigan penal code, 1931 PA 328, MCL  
20 750.110a, 750.136b, 750.234a, 750.234b, 750.234c, 750.349b, and  
21 750.411h, or any other violent felony.

22 (b) "Serious misdemeanor" means that term as defined in  
23 sections 2, 31, and 61 of the Willian Van Regenmorter crime  
24 victim's rights act, 1985 PA 87, MCL 780.752, 780.781, and 780.811.

25 (c) "Violent felony" means that term as defined in section 36  
26 of the corrections code of 1953, 1953 PA 232, MCL 791.236.