

Act No. 335
Public Acts of 1994
Approved by the Governor
October 18, 1994
Filed with the Secretary of State
October 18, 1994

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1994**

Introduced by Senators Dingell Welborn Dillingham Kelly Cherry Arthurhultz and Cisky ✓

ENROLLED SENATE BILL No. 977

AN ACT to amend section 6b of chapter V of Act No 175 of the Public Acts of 1927 entitled as amended An act to revise consolidate and codify the laws relating to criminal procedure and to define the jurisdiction powers and duties of courts judges and other officers of the court under the provisions of this act to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations to provide for the examination of persons accused of criminal offenses to regulate the procedure relative to grand juries indictments informations and proceedings before trial to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases to provide a uniform system of probation throughout this state and the appointment of probation officers to prescribe the powers duties and compensation of probation officers to provide penalties for the violation of the duties of probation officers to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime to provide for fees of officers witnesses and others in criminal and ordinance violation cases to set forth miscellaneous provisions as to criminal procedure in certain cases to provide penalties for the violation of certain provisions of this act and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act as added by Act No 53 of the Public Acts of 1993 being section 765 6b of the Michigan Compiled Laws and to add section 16b to chapter IX

The People of the State of Michigan enact

Section 1 Section 6b of chapter V of Act No 175 of the Public Acts of 1927 as added by Act No 53 of the Public Acts of 1993 being section 765 6b of the Michigan Compiled Laws is amended and section 16b is added to chapter IX to read as follows

CHAPTER V

Sec 6b (1) A judge or district court magistrate may release under this section a defendant subject to conditions reasonably necessary for the protection of 1 or more named persons If a judge or district court magistrate releases under this section a defendant subject to protective conditions the judge or district court magistrate shall make a finding of the need for protective conditions and inform the defendant on the record either orally or by a writing that is personally delivered to the defendant of the specific conditions imposed and that if the defendant violates a condition of release he or she will be subject to arrest without a warrant and may have his or her bail forfeited or revoked and new conditions of release imposed in addition to any other penalties that may be imposed if the defendant is found in contempt of court

(2) An order or amended order issued under subsection (1) shall contain all of the following

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

(b) A statement of the defendant's height weight race sex date of birth hair color eye color and any other identifying information the judge or district court magistrate considers appropriate

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

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

(e) A statement of the conditions imposed

(3) An order or amended order issued under this subsection and subsection (1) may impose a condition that the defendant not purchase or possess a firearm

(4) The judge or district court magistrate shall immediately direct a law enforcement agency within the jurisdiction of the court in writing to enter an order or amended order issued under subsection (1) or subsections (1) and (3) 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) 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 subsection (4)

(6) 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

CHAPTER IX

Sec 16b (1) If a person charged with any offense is found not guilty by reason of insanity the court entering the disposition shall immediately order the department of state police to enter the disposition into the law enforcement information network

(2) The department of state police shall immediately enter a disposition into the law enforcement information network as ordered by the court under this section

Section 2 This amendatory act shall not take effect unless Senate Bill No 972 of the 87th Legislature is enacted into law

Section 3 This amendatory act shall take effect April 1 1996

Secretary of the Senate

Co Clerk of the House of Representatives

Approved

Governor