



SENATE BILL No. 977

January 18, 1994, Introduced by Senators Dingell, Welborn, Dillingham, Kelly, Cherry, Arthurhultz and Cisky 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 and to add section 16b to chapter IX

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 and section 16b is added to chapter IX to read as
5 follows

CHAPTER V

1

2 Sec 6b (1) A judge or district court magistrate may
3 release under this section a defendant subject to conditions rea-
4 sonably necessary for the protection of 1 or more named persons
5 If a judge or district court magistrate releases under this sec-
6 tion a defendant subject to protective conditions, the judge or
7 district court magistrate shall make a finding of the need for
8 protective conditions and inform the defendant on the record,
9 either orally or by a writing that is personally delivered to the
10 defendant, of the specific conditions imposed and that if the
11 defendant violates a condition of release, he or she will be
12 subject to arrest without a warrant and may have his or her bail
13 forfeited or revoked and new conditions of release imposed, in
14 addition to any other penalties that may be imposed if the
15 defendant is found in contempt of court

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

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

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

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

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

26 (e) A statement of the conditions imposed

1 (3) AN ORDER OR AMENDED ORDER ISSUED UNDER THIS SUBSECTION
2 AND SUBSECTION (1) MAY IMPOSE A CONDITION THAT THE DEFENDANT NOT
3 PURCHASE OR POSSESS A FIREARM

4 (4) ~~—(3)—~~ The judge or district court magistrate shall imme-
5 diately direct a law enforcement agency within the jurisdiction
6 of the court, in writing, to enter an order or amended order
7 issued under subsection (1) OR SUBSECTIONS (1) AND (3) into the
8 law enforcement information network as provided by the
9 L E I N policy council act of 1974, Act No 163 of the Public
10 Acts of 1974, being sections 28 211 to 28 216 of the Michigan
11 Compiled Laws If the order or amended order is rescinded, the
12 judge or district court magistrate shall immediately order the
13 law enforcement agency to remove the order or amended order from
14 the law enforcement information network

15 (5) ~~—(4)—~~ A law enforcement agency within the jurisdiction
16 of the court shall immediately enter an order or amended order
17 into the law enforcement information network as provided by Act
18 No 163 of the Public Acts of 1974, or shall remove the order or
19 amended order from the law enforcement information network upon
20 expiration of the order or as directed by the court under subsec-
21 tion ~~—(3)—~~ (4)

22 (6) ~~—(5)—~~ This section does not limit the authority of
23 judges or district court magistrates to impose protective or
24 other release conditions under other applicable statutes or court
25 rules

CHAPTER IX

1

2 SEC 16B (1) IF A PERSON CHARGED WITH ANY OFFENSE IS FOUND
3 NOT GUILTY BY REASON OF INSANITY, THE COURT ENTERING THE DISPOSI-
4 TION SHALL IMMEDIATELY ORDER THE DEPARTMENT OF STATE POLICE TO
5 ENTER THE DISPOSITION INTO THE LAW ENFORCEMENT INFORMATION
6 NETWORK

7 (2) THE DEPARTMENT OF STATE POLICE SHALL IMMEDIATELY ENTER A
8 DISPOSITION INTO THE LAW ENFORCEMENT INFORMATION NETWORK AS
9 ORDERED BY THE COURT UNDER THIS SECTION

10 (3) BEFORE THE EXPIRATION OF 1 YEAR AFTER THE EFFECTIVE DATE
11 OF THIS SECTION, EACH COURT SHALL EXAMINE ITS RECORDS FOR THE
12 1-YEAR PERIOD OF TIME BEFORE THE EFFECTIVE DATE OF THIS SECTION
13 AND ENTER AN ORDER UNDER SUBSECTION (1) FOR EACH PERSON WHO WAS
14 FOUND NOT GUILTY BY REASON OF INSANITY DURING THAT TIME PERIOD

15 Section 2 This amendatory act shall not take effect unless
16 Senate Bill No 972

17 of the 87th Legislature is enacted into law