SENATE BILL NO. 452

March 18, 1999, Introduced by Senator ROGERS and referred to the
    Committee on Judiciary.

    A bill to amend 1927 PA 175, entitled

"The code of criminal procedure,"

by amending section 6b of chapter V (MCL 765.6b), as amended by

1994 PA 335.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1   CHAPTER V

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

1 defendant violates a condition of release, he or she will be

2 subject to arrest without a warrant and may have his or her bail

3 forfeited or revoked and new conditions of release imposed, in

4 addition to any other penalties that may be imposed if the

5 defendant is found in contempt of court.

6   (2) An order or amended order issued under subsection (1)

7 shall contain all of the following:

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

9   (b) A statement of the defendant's height, weight, race,

10 sex, date of birth, hair color, eye color, and any other identi-

11 fying information the judge or district court magistrate consid-

12 ers appropriate.

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

14 effective.

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

16   (e) A statement of the conditions imposed.

17   (3) An order or amended order issued under ~~this subsection~~

18 ~~and~~ subsection (1) may impose a condition that the defendant not

19 purchase or possess a firearm.

20   (4) AN ORDER OR AMENDED ORDER ISSUED UNDER SUBSECTION (1)

21 AGAINST A DEFENDANT CHARGED WITH CRIMINAL SEXUAL CONDUCT IN ANY

22 DEGREE OR ASSAULT WITH INTENT TO COMMIT CRIMINAL SEXUAL CONDUCT

23 MAY IMPOSE A CONDITION THAT RESTRICTS THE TRAVEL OF THE DEFENDANT

24 TO SPECIFIED GEOGRAPHICAL AREAS OR THAT PROHIBITS THE DEFENDANT

25 FROM ENTERING SPECIFIED GEOGRAPHICAL AREAS.

26   (5) ~~(4)~~ The judge or district court magistrate shall

27 immediately direct a law enforcement agency within the

01274'99 *

1 jurisdiction of the court, in writing, to enter an order or

2 amended order issued under ~~subsection (1) or subsections (1) and~~

3 ~~(3)~~ THIS SECTION into the law enforcement information network as

4 provided by the L.E.I.N. policy council act of 1974, ~~Act No. 163~~

5 ~~of the Public Acts of 1974, being sections 28.211 to 28.216 of~~

6 ~~the Michigan Compiled Laws~~ 1974 PA 163, MCL 28.211 TO 28.216.

7 If the order or amended order is rescinded, the judge or district

8 court magistrate shall immediately order the law enforcement

9 agency to remove the order or amended order from the law enforce-

10 ment information network.

11   (6) ~~(5)~~ A law enforcement agency within the jurisdiction

12 of the court shall immediately enter an order or amended order

13 into the law enforcement information network as provided by ~~Act~~

14 ~~No. 163 of the Public Acts of 1974~~ THE L.E.I.N. POLICY COUNCIL

15 ACT OF 1974, 1974 PA 163, MCL 28.211 TO 28.216, or shall remove

16 the order or amended order from the law enforcement information

17 network upon expiration of the order or as directed by the court

18 under subsection ~~(4)~~ (5).

19   (7) THE COURT SHALL IMMEDIATELY NOTIFY THE LAW ENFORCEMENT

20 AGENCY OF THE LOCAL UNIT OF GOVERNMENT IN WHICH THE DEFENDANT

21 RESIDES THAT THE INDIVIDUAL IS RESIDING IN THAT LOCAL UNIT OF

22 GOVERNMENT.

23   (8) ~~(6)~~ This section does not limit the authority of

24 judges or district court magistrates to impose protective or

25 other release conditions under other applicable statutes or court

26 rules.