

HOUSE BILL No. 5869

April 9, 2002, Introduced by Rep. Clarke and referred to the Committee on Civil Law and the 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
1988 PA 46.

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 not be excessive. ~~and shall be uniform whether the~~
5 ~~bail bond is executed by the person for whom bail has been set or~~
6 ~~by a surety.~~ The court in fixing the amount of the bail shall
7 consider and make findings on the record as to each of the
8 following:

9 (a) The seriousness of the offense charged.

1 (b) The protection of the public.

2 (c) The previous criminal record and the dangerousness of
3 the person accused.

4 (d) The probability or improbability of the person accused
5 appearing at the trial of the cause.

6 (2) IF THE COURT FIXES A BAIL AMOUNT UNDER SUBSECTION (1)
7 AND ALLOWS FOR THE POSTING OF A 10% DEPOSIT BOND, THE PERSON
8 ACCUSED MAY POST BAIL BY A SURETY BOND IN AN AMOUNT EQUAL TO 1/4
9 OF THE FULL BAIL AMOUNT FIXED UNDER SUBSECTION (1) AND EXECUTED
10 BY A SURETY APPROVED BY THE COURT.

11 (3) ~~-(2)-~~ If a person is arrested for an ordinance violation
12 or a misdemeanor and if the defendant's operator's or chauffeur's
13 license is not expired, suspended, revoked, or cancelled, ~~then~~
14 the court may require the defendant, in place of other security
15 for the defendant's appearance in court for trial or sentencing
16 or, ~~in addition, to~~ AS A CONDITION FOR release of the defendant
17 on personal recognizance, to surrender to the court his or her
18 operator's or chauffeur's license. The court shall issue to the
19 defendant a receipt for the license, as provided in section 311a
20 of the Michigan vehicle code, ~~Act No. 300 of the Public Acts of~~
21 ~~1949, being section 257.311a of the Michigan Compiled Laws 1949~~
22 PA 300, MCL 257.311A. If the trial date is set at the arraign-
23 ment, the court shall specify on the receipt the date on which
24 the defendant is required to appear for trial. If a trial date
25 is not set at the arraignment, the court shall specify on the
26 receipt a date on which the receipt expires. By written notice
27 the court may extend the expiration date of the receipt, as

1 needed, to secure the defendant's appearance for trial and
2 sentencing. The written notice shall instruct the person to whom
3 the receipt was issued to attach the notice to the receipt. Upon
4 its attachment to the receipt, the written notice shall be con-
5 sidered a part of the receipt for purposes of determining the
6 expiration date. At the conclusion of the trial or imposition of
7 sentence, as applicable, the court shall return the license to
8 the defendant unless other disposition of the license is autho-
9 rized by law.