

# HOUSE JOINT RESOLUTION DD

September 20, 2006, Introduced by Reps. Newell, Schuitmaker, Emmons, Meyer, Walker, Moore, Elsenheimer, Nofs, Stewart, Hansen, Wenke, Jones, Pearce, Steil, Green, Caul, Proos, LaJoy, Marleau, Nitz, David Law, Farrah, Booher, Moolenaar, Pavlov, Shaffer, Amos, Van Regenmorter, Stakoe, Hildenbrand, Caswell, Stahl, Vander Veen, Huizenga, Farhat, Palsrok, Baxter, Accavitti, Mayes, Clemente, Robertson, Sak, Ball, Acciavatti, Mortimer and McDowell and referred to the Committee on Judiciary.

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 15 of article I, to allow the prohibition of bail for a person who is indicted for or arraigned on a warrant charging attempted murder.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to the state constitution of 1963, to allow the prohibition of bail for a person who is indicted for or arraigned on a warrant charging attempted murder, is proposed, agreed to, and submitted to the people of the state:

## ARTICLE I

Sec. 15. No person shall be subject for the same offense to be

1 twice put in jeopardy. All persons shall, before conviction, be  
2 bailable by sufficient sureties, except that bail may be denied for  
3 the following persons when the proof is evident or the presumption  
4 great:

5 (a) A person who, within the 15 years immediately preceding a  
6 motion for bail pending the disposition of an indictment for a  
7 violent felony or of an arraignment on a warrant charging a violent  
8 felony, has been convicted of 2 or more violent felonies under the  
9 laws of this state or under substantially similar laws of the  
10 United States or another state, or a combination thereof, only if  
11 the prior felony convictions arose out of at least 2 separate  
12 incidents, events, or transactions.

13 (b) A person who is indicted for, or arraigned on a warrant  
14 charging, murder, **ATTEMPTED MURDER**, or treason.

15 (c) A person who is indicted for, or arraigned on a warrant  
16 charging, criminal sexual conduct in the first degree, armed  
17 robbery, or kidnapping with intent to extort money or other  
18 valuable thing thereby, unless the court finds by clear and  
19 convincing evidence that the defendant is not likely to flee or  
20 present a danger to any other person.

21 (d) A person who is indicted for, or arraigned on a warrant  
22 charging, a violent felony which is alleged to have been committed  
23 while the person was on bail, pending the disposition of a prior  
24 violent felony charge or while the person was on probation or  
25 parole as a result of a prior conviction for a violent felony.

26 If a person is denied admission to bail under this section,

1 the trial of the person shall be commenced not more than 90 days  
2 after the date on which admission to bail is denied. If the trial  
3 is not commenced within 90 days after the date on which admission  
4 to bail is denied and the delay is not attributable to the defense,  
5 the court shall immediately schedule a bail hearing and shall set  
6 the amount of bail for the person.

7 As used in this section, "violent felony" means a felony, an  
8 element of which involves a violent act or threat of a violent act  
9 against any other person.

10 This section, as amended, shall not take effect until May 1,  
11 1979.

12 Resolved further, That the foregoing amendment shall be  
13 submitted to the people of the state at the next general election  
14 in the manner provided by law.