



Senate Fiscal Agency
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**BILL ANALYSIS**

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House Bill 4453 (Substitute H-1 as reported without amendment)
Sponsor: Representative Bill Caul
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

The bill would amend Chapter 5 (Bail) of the Code of Criminal Procedure to do all of the following:

- Allow a judge or district court magistrate to order a defendant charged with a crime involving domestic violence, to carry or wear a global positioning system (GPS) device as a condition of release.
- Allow the court, with the victim's informed consent, to order the defendant to give the victim a device to receive information from the defendant's GPS device.
- Allow the victim to give the court a list of areas from which he or she wanted the defendant excluded, and require the court to consider the request.
- Require the court to instruct the global positioning monitoring system to notify the proper authorities if the defendant violated the order.
- Allow the defendant to be released only if he or she agreed to pay the GPS costs or perform community service in lieu of payment.
- Provide that the victim could request the court to terminate his or her participation in GPS monitoring of the defendant at any time.
- Require the court to impose a condition that the defendant not purchase or possess a firearm.

MCL 765.6b

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. If global positioning monitoring were ordered, the court could release only those defendants who agreed to pay for the cost of that monitoring or who performed community service in lieu of paying the costs. It is unclear who would bear the cost if the defendant performed community service, or whether that community service would completely offset the cost of monitoring, but it is likely the trial courts or local law enforcement would incur some costs. The Department of Corrections estimates the cost of active global positioning monitoring to be \$13 per diem, though this may vary depending on whether local units contract with the Department or another provider. In 2007, 18,355 adult personal protection orders were issued in domestic cases.

Date Completed: 6-18-08

Fiscal Analyst: Stephanie Yu