

HOUSE BILL No. 4453

March 13, 2007, Introduced by Reps. Caul, Meadows, Booher, Hansen, Moolenaar, Rick Jones, Moore, Gaffney, Hune, Nofs, Emmons and Miller 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:

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CHAPTER V

Sec. 6b. (1) A judge or district court magistrate may release
under this section a defendant subject to conditions reasonably
necessary for the protection of 1 or more named persons. If a judge
or district court magistrate releases under this section a
defendant subject to protective conditions, the judge or district
court magistrate shall make a finding of the need for protective

1 conditions and inform the defendant on the record, either orally or
2 by a writing that is personally delivered to the defendant, of the
3 specific conditions imposed and that if the defendant violates a
4 condition of release, he or she will be subject to arrest without a
5 warrant and may have his or her bail forfeited or revoked and new
6 conditions of release imposed, in addition to any other penalties
7 that may be imposed if the defendant is found in contempt of court.

8 (2) An order or amended order issued under subsection (1)
9 shall contain all of the following:

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

11 (b) A statement of the defendant's height, weight, race, sex,
12 date of birth, hair color, eye color, and any other identifying
13 information the judge or district court magistrate considers
14 appropriate.

15 (c) A statement of the date the conditions become effective.

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

17 (e) A statement of the conditions imposed.

18 (3) An order or amended order issued under this subsection and
19 subsection (1) may impose a condition that the defendant not
20 purchase or possess a firearm.

21 (4) The judge or district court magistrate shall immediately
22 direct a law enforcement agency within the jurisdiction of the
23 court, in writing, to enter an order or amended order issued under
24 subsection (1) or subsections (1) and (3) into the law enforcement
25 information network as provided by the L.E.I.N. policy council act
26 of 1974, ~~Act No. 163 of the Public Acts of 1974, being sections~~
27 ~~28.211 to 28.216 of the Michigan Compiled Laws 1974 PA 163, MCL~~

1 28.211 TO 28.216. If the order or amended order is rescinded, the
2 judge or district court magistrate shall immediately order the law
3 enforcement agency to remove the order or amended order from the
4 law enforcement information network.

5 (5) A law enforcement agency within the jurisdiction of the
6 court shall immediately enter an order or amended order into the
7 law enforcement information network as provided by ~~Act No. 163 of~~
8 ~~the Public Acts of 1974~~ **THE L.E.I.N. POLICY COUNCIL ACT OF 1974,**
9 **1974 PA 163, MCL 28.211 TO 28.216,** or shall remove the order or
10 amended order from the law enforcement information network upon
11 expiration of the order or as directed by the court under
12 subsection (4).

13 (6) IF A DEFENDANT WHO IS CHARGED WITH A CRIME INVOLVING
14 DOMESTIC VIOLENCE IS RELEASED UNDER THIS SECTION, THE JUDGE OR
15 DISTRICT COURT MAGISTRATE MAY, AFTER CONSULTATION WITH THE VICTIM,
16 ORDER THE DEFENDANT TO CARRY OR WEAR A GLOBAL POSITIONING SYSTEM
17 DEVICE AS A CONDITION OF RELEASE AND TO PROVIDE THE VICTIM OF THE
18 CHARGED CRIME WITH AN ELECTRONIC RECEPTOR DEVICE CAPABLE OF
19 RECEIVING THE GLOBAL POSITIONING SYSTEM INFORMATION FROM THE DEVICE
20 CARRIED OR WORN BY THE DEFENDANT THAT NOTIFIES THE VICTIM IF THE
21 DEFENDANT IS LOCATED WITHIN A PROXIMITY TO THE VICTIM AS DETERMINED
22 BY THE JUDGE OR DISTRICT COURT MAGISTRATE. THE VICTIM SHALL ALSO BE
23 FURNISHED WITH A TELEPHONE CONTACT WITH THE LOCAL LAW ENFORCEMENT
24 AGENCY TO REQUEST IMMEDIATE ASSISTANCE IF THE DEFENDANT IS LOCATED
25 WITHIN THAT PROXIMITY TO THE VICTIM. A DEFENDANT DESCRIBED IN THIS
26 SUBSECTION SHALL ONLY BE RELEASED UNDER THIS SECTION IF HE OR SHE
27 AGREES TO PAY THE COST OF THE DEVICE AND ANY MONITORING OF THE

1 DEVICE AS A CONDITION OF RELEASE. AS USED IN THIS SUBSECTION,
2 "DOMESTIC VIOLENCE" MEANS THAT TERM AS DEFINED IN SECTION 1 OF 1978
3 PA 389, MCL 400.1501.

4 (7) ~~(6)~~—This section does not limit the authority of judges or
5 district court magistrates to impose protective or other release
6 conditions under other applicable statutes or court rules.

7 Enacting section 1. This amendatory act shall be known and may
8 be cited as "Mary's Law".