

Legislative Analysis



ASSAULTIVE CRIMES: ALLOW GPS MONITORING WHILE ON BAIL

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House Bill 4127

Sponsor: Rep. Joel Johnson
Committee: Criminal Justice

Complete to 2-12-13

A SUMMARY OF HOUSE BILL 4127 AS INTRODUCED 1-29-13

The bill would grant a court the discretion to require a defendant released on bail while awaiting trial for an assaultive crime to wear a GPS device.

Public Act 192 of 2008, also known as "Mary's Law," allows a court to order a defendant who is charged with a crime involving domestic violence and who is released on bail to wear or carry a GPS device as a condition of release while awaiting trial. A court doesn't have to order the device, but if it does, the defendant cannot be released unless he or she agrees to bear the cost of the GPS device and monitoring, or to do community service in lieu of payment. With the informed consent of the victim, the court may also order the defendant to provide the victim with an electronic receptor device that alerts the victim if the defendant comes within a predetermined proximity to the victim.

House Bill 4127 would amend Mary's Law (within the Code of Criminal Procedure) to extend the above provisions to a defendant charged with a crime involving any other assaultive crime. "Assaultive crime" would mean that term as defined in Section 9A of Chapter X.

["Assaultive crime" is an offense against a person and includes, but is not limited to, the following:

Felonious assault; assault with intent to maim, do great bodily harm, or commit murder; assault with intent to rob and steal, either armed or unarmed; certain crimes against a pregnant woman intending to cause a miscarriage or stillbirth, death to the embryo or fetus, or great bodily harm to the embryo or fetus; murder or attempted murder; manslaughter; kidnapping; taking or carrying or enticing away a child under 14 years of age; certain stalking offenses; criminal sexual conduct offenses; carjacking; and terrorism.]

MCL 765.6b

FISCAL IMPACT:

A fiscal analysis is in process.

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