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BILL



ANALYSIS

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House Bill 4127 (Substitute S-1 as reported)  
Sponsor: Representative Joel Johnson  
House Committee: Criminal Justice  
Senate Committee: Judiciary

### **CONTENT**

The bill would amend the Code of Criminal Procedure to allow a judge or district court magistrate to order a defendant charged with an assaultive crime and released on bail to wear an electronic monitoring device.

Currently, a judge or magistrate may release a defendant subject to conditions reasonably necessary for the protection of one or more people. If a defendant who is charged with a crime involving domestic violence is released under this provision, the judge or magistrate may order him or her to carry or wear a global positioning system device as a condition of release. Under the bill, a judge or magistrate instead could order a defendant charged with a crime involving domestic violence or any other assaultive crime to wear an electronic monitoring device.

The bill also would require a court to inform a defendant that he or she would be subject to a felony penalty for removing, destroying, or circumventing the operation of an electronic monitoring device.

"Assaultive crime" would mean that term as defined in Section 9a of Chapter X of the Code of Criminal Procedure. (That definition includes various assault offenses, murder, kidnapping, mayhem, stalking, criminal sexual conduct, explosives offenses, and a violation of the Michigan Anti-Terrorism Act.)

MCL 765.6b

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

To the extent that the bill resulted in judges' requiring assaultive offenders to wear electronic monitoring devices with greater frequency when released on bail, the bill could result in an indeterminate cost increase for local courts. The defendant being released would be required to pay for the cost of the device, but in the event that the defendant could not pay and performed community service in lieu of payment, the cost would be incurred by the local court. The Department of Corrections uses similar electronic monitoring devices with some parolees and charges them \$13 per day, so that may be a good approximation of what leasing the devices may cost when used for defendants on bail.

Date Completed: 5-1-13

Fiscal Analyst: Dan O'Connor