



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 4127 (Substitute H-1 as passed by the House)

Sponsor: Representative Joel Johnson

House Committee: Criminal Justice

Senate Committee: Judiciary

Date Completed: 4-22-13

CONTENT

The bill would amend Section 6b of Chapter V (Bail) of 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 carry or wear a global positioning system (GPS) device.

Under Section 6b, a judge or magistrate may release a defendant subject to conditions reasonably necessary for the protection of one or more people. The judge or magistrate must inform the defendant of the specific conditions imposed and that, if the defendant violates a condition of release, he or she will be subject to arrest without a warrant and may have his or her bail forfeited or revoked and new conditions of release imposed.

If a defendant who is charged with a crime involving domestic violence is released under Section 6b, the judge or magistrate may order him or her to carry or wear a GPS device as a condition of release. Under the bill, a judge or magistrate also could order a defendant charged with any other assaultive crime to carry or wear a GPS device.

In addition, Section 6b states that it does not limit the authority of judges or magistrates to impose protective or other release conditions under other applicable statutes or court rules. Under the bill, this would include ordering a defendant to carry or wear a GPS device.

"Assaultive crime" would mean that term as defined in Section 9a of Chapter X of the Code of Criminal Procedure. (Under Section 9a, "assaultive crime" includes various assault offenses; attempted murder, first-degree murder, second-degree murder, and manslaughter; kidnapping; hostage-taking by a prisoner; mayhem; stalking; first-, second-, third-, and fourth-degree criminal sexual conduct (CSC) and assault with intent to commit CSC; carjacking; use of force or violence, or possession of a weapon, during the course of committing larceny; a violation of Chapter 33 (Explosives and Bombs, and Harmful Devices) of the Michigan Penal Code; 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 GPS 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 GPS devices with some parolees and charges them \$13 per day, so that may be a good approximation of what leasing GPS devices may cost when used for defendants on bail.

Fiscal Analyst: Dan O'Connor

S1314\S4127sa

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.