

HOUSE BILL No. 5692

May 25, 2016, Introduced by Reps. Kesto, Callton, Guerra and Heise and referred to the Committee on Criminal Justice.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 9a of chapter X (MCL 770.9a), as amended by
2004 PA 32.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER X

2 Sec. 9a. (1) A defendant convicted of an assaultive crime and
3 awaiting sentence shall be detained and shall not be admitted to
4 bail unless the trial court finds by clear and convincing evidence
5 that the defendant is not likely to pose a danger to other persons
6 and that section 9b of this chapter does not apply.

7 (2) A defendant convicted of an assaultive crime and sentenced
8 to a term of imprisonment who has filed an appeal or an application

1 for leave to appeal shall be detained and shall not be admitted to
2 bail unless the trial court or the court to which the appeal is
3 taken finds by clear and convincing evidence that section 9b of
4 this chapter does not apply and that both of the following exist:

5 (a) The defendant is not likely to pose a danger to other
6 persons.

7 (b) The appeal or application raises a substantial question of
8 law or fact.

9 (3) As used in this section, "assaultive crime" means an
10 offense against a person described in section 81c(3), 82, 83, 84,
11 86, 87, 88, 89, 90a, 90b(a) or (b), 91, **136B(2) OR (4)**, 200 to
12 212a, 316, 317, 321, 349, 349a, 350, 397, 411h(2)(b) or (3), 411i,
13 520b, 520c, 520d, 520e, 520g, 529, 529a, 530, or 543a to 543z of
14 the Michigan penal code, 1931 PA 328, MCL 750.81c, 750.82, 750.83,
15 750.84, 750.86, 750.87, 750.88, 750.89, 750.90a, 750.90b, 750.91,
16 **750.136B**, 750.200 to 750.212a, 750.316, 750.317, 750.321, 750.349,
17 750.349a, 750.350, 750.397, 750.411h, 750.411i, 750.520b, 750.520c,
18 750.520d, 750.520e, 750.520g, 750.529, 750.529a, 750.530, and
19 750.543a to 750.543z.

20 (4) The appeal or application for leave to appeal filed by a
21 person denied bail under this section shall be expedited pursuant
22 ~~to~~ **UNDER** rules adopted for that purpose by the supreme court.

23 Enacting section 1. This amendatory act takes effect 90 days
24 after the date it is enacted into law.