

HOUSE BILL NO. 4352

March 13, 2019, Introduced by Reps. Peterson, Rabhi, Haadsma, LaFave, Howell, Neeley, Garrett, Yancey, Brann, Steven Johnson, VanSingel, Kennedy, Cynthia Johnson, Brenda Carter, Garza, Tyrone Carter, Lasinski, Pohutsky, Sabo, Sowerby, Hoadley, Hertel and LaGrand and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
(MCL 760.1 to 777.69) by adding section 6f to chapter V.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER V

Sec. 6f. (1) When fixing the amount of bail under this chapter, the court shall not set a financial condition of release based on a preestablished bail schedule, such as a schedule of bond amounts fixed according to the nature of the charge.

(2) If the court determines that a defendant will be released



1 other than on a personal recognizance or unsecured bond without
2 special conditions, the court shall impose on the defendant the
3 least onerous condition or combination of conditions of release
4 that will reasonably ensure the appearance of the defendant and the
5 safety of each alleged victim, other persons, and the community.

6 (3) The court shall provide a financial disclosure form to
7 each defendant prior to the defendant's arraignment for use by the
8 court at the defendant's arraignment. The form must contain the
9 following language or substantially similar language displayed in a
10 prominent position:

11 "Warning: You may be required to affirm the accuracy
12 of this form under oath at your arraignment. Filing
13 an intentionally inaccurate statement of finances
14 may result in perjury charges or action for contempt
15 of court. By signing this form, you authorize anyone
16 possessing any information or records pertaining to
17 your personal finances or income to provide such
18 information to the courts.".

19 4) If the court fixes a bail amount under this chapter and
20 allows the posting of a 10% deposit bond, the defendant may post
21 bail by a surety bond in an amount equal to 1/4 of the full bail
22 amount fixed under this chapter and executed by a surety approved
23 by the court.

24 (5) The supreme court may prescribe rules to implement this
25 chapter.

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

28 Enacting section 2. This amendatory act does not take effect
29 unless all of the following bills of the 100th Legislature are



1 enacted into law:

2 (a) Senate Bill No. _____ or House Bill No. 4351 (request no.
3 00792'19).

4 (b) Senate Bill No. _____ or House Bill No. 4353 (request no.
5 00821'19).

6 (c) Senate Bill No. _____ or House Bill No. 4354 (request no.
7 01820'19).

