

# HOUSE BILL NO. 4525

May 22, 2025, Introduced by Rep. Lightner and referred to Committee on Judiciary.

A bill to amend 1927 PA 175, entitled  
"The code of criminal procedure,"  
by amending section 6b of chapter V (MCL 765.6b), as amended by  
2014 PA 316.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

### 1 CHAPTER V

2 Sec. 6b. (1) A judge or district court magistrate may release  
3 a defendant under this subsection subject to conditions reasonably  
4 necessary for the protection of 1 or more named persons. If a judge

1 or district court magistrate releases a defendant under this  
2 subsection subject to protective conditions, the judge or district  
3 court magistrate shall make a finding of the need for protective  
4 conditions and inform the defendant on the record, either orally or  
5 by a writing that is personally delivered to the defendant, of the  
6 specific conditions imposed and that if the defendant violates a  
7 condition of release, ~~he or she~~ **the defendant** will be subject to  
8 arrest without a warrant and may have ~~his or her~~ bail forfeited or  
9 revoked and new conditions of release imposed, in addition to the  
10 penalty provided under section 3f of chapter XI and any other  
11 penalties that may be imposed if the defendant is found in contempt  
12 of court.

13 (2) An order or amended order issued under subsection (1)  
14 ~~shall~~ **must** contain all of the following:

15 (a) A statement of the defendant's full name.

16 (b) A statement of the defendant's height, weight, race, sex,  
17 date of birth, hair color, eye color, and any other identifying  
18 information the judge or district court magistrate considers  
19 appropriate.

20 (c) A statement of the date the conditions become effective.

21 (d) A statement of the date on which the order will expire.

22 (e) A statement of the conditions imposed.

23 (3) An order or amended order issued under this subsection and  
24 subsection (1) may impose a condition that the defendant not  
25 purchase or possess a firearm. However, if the court orders the  
26 defendant to carry or wear an electronic monitoring device as a  
27 condition of release as described in subsection (6), the court  
28 shall also impose a condition that the defendant not purchase or  
29 possess a firearm.

1           (4) The judge or district court magistrate shall immediately  
2 direct the issuing court or a law enforcement agency within the  
3 jurisdiction of the court, in writing, to enter an order or amended  
4 order issued under subsection (1) or subsections (1) and (3) into  
5 LEIN. If the order or amended order is rescinded, the judge or  
6 district court magistrate shall immediately order the issuing court  
7 or law enforcement agency to remove the order or amended order from  
8 LEIN.

9           (5) The issuing court or a law enforcement agency within the  
10 jurisdiction of the court shall immediately enter an order or  
11 amended order into LEIN or shall remove the order or amended order  
12 from the law enforcement information network upon expiration of the  
13 order or as directed by the court under subsection (4).

14           (6) If a defendant who is charged with a crime involving  
15 **aggravated** domestic violence ~~, or any other assaultive crime,~~ is  
16 released under this subsection and subsection (1), the judge or  
17 district court magistrate ~~may~~**shall** order the defendant to wear an  
18 electronic monitoring device as a condition of release **or make a**  
19 **written finding that an electronic monitoring device is unnecessary**  
20 **to prevent the defendant from seeking to kill, physically injure,**  
21 **stalk, or otherwise threaten the victim before trial and other**  
22 **restrictions on the defendant are sufficient for the victim's**  
23 **safety.**

24           (7) Except as provided in subsection (6), if a defendant who  
25 is charged with a crime involving domestic violence or an  
26 assaultive crime is released under this subsection and subsection  
27 (1), the judge or district court magistrate may order the defendant  
28 to wear an electronic monitoring device as a condition of release.  
29 In determining whether to order a defendant to wear an electronic

1 monitoring device, the court shall consider the likelihood that the  
2 defendant's participation in electronic monitoring will deter the  
3 defendant from seeking to kill, physically injure, stalk, or  
4 otherwise threaten the victim before trial.

5 (8) With the informed consent of the victim **of a defendant**  
6 **required to wear an electronic monitoring device under subsection**  
7 **(6) or (7)**, the court may also order the defendant to provide the  
8 victim of the charged crime with an electronic receptor device  
9 capable of receiving the global positioning system information from  
10 the electronic monitoring device worn by the defendant that  
11 notifies the victim if the defendant is located within a proximity  
12 to the victim as determined by the judge or district court  
13 magistrate in consultation with the victim. The victim ~~shall~~ **must**  
14 also be furnished with a telephone contact with the local law  
15 enforcement agency to request immediate assistance if the defendant  
16 is located within that proximity to the victim. In addition, the  
17 victim may provide the court with a list of areas from which ~~he or~~  
18 ~~she~~ **the victim** would like the defendant excluded. The court shall  
19 consider the victim's request and shall determine which areas the  
20 defendant ~~shall be~~ **is** prohibited from accessing. The court shall  
21 instruct the entity monitoring the defendant's position to notify  
22 the proper authorities **and the court** if the defendant violates the  
23 order. ~~In determining whether to order a defendant to wear an~~  
24 ~~electronic monitoring device, the court shall consider the~~  
25 ~~likelihood that the defendant's participation in electronic~~  
26 ~~monitoring will deter the defendant from seeking to kill,~~  
27 ~~physically injure, stalk, or otherwise threaten the victim prior to~~  
28 ~~trial.~~ **Upon notice of a violation from the entity monitoring the**  
29 **defendant, the court shall issue a warrant for the defendant's**

1 **arrest.** The victim may request the court to terminate the victim's  
 2 participation in the monitoring of the defendant at any time. The  
 3 court shall not impose sanctions on the victim for refusing to  
 4 participate in monitoring under this subsection. A defendant **with**  
 5 **an electronic monitoring device** described in ~~this subsection shall~~  
 6 ~~only (6) or (7) must~~ be released **only** if ~~he or she~~ **the defendant**  
 7 agrees to pay the cost of the device and any monitoring as a  
 8 condition of release or to perform community service work in lieu  
 9 of paying that cost. An electronic monitoring device ordered to be  
 10 worn under this subsection ~~shall~~ **must** provide reliable notification  
 11 of removal or tampering. ~~As used in this subsection:~~

12 ~~(a) "Assaultive crime" means that term as defined in section~~  
 13 ~~9a of chapter X.~~

14 ~~(b) "Domestic violence" means that term as defined in section~~  
 15 ~~1 of 1978 PA 389, MCL 400.1501.~~

16 ~~(c) "Electronic monitoring device" includes any electronic~~  
 17 ~~device or instrument that is used to track the location of an~~  
 18 ~~individual or to monitor an individual's blood alcohol content, but~~  
 19 ~~does not include any technology that is implanted or violates the~~  
 20 ~~corporeal body of the individual.~~

21 ~~(d) "Informed consent" means that the victim was given~~  
 22 ~~information concerning all of the following before consenting to~~  
 23 ~~participate in electronic monitoring:~~

24 ~~(i) The victim's right to refuse to participate in that~~  
 25 ~~monitoring and the process for requesting the court to terminate~~  
 26 ~~the victim's participation after it has been ordered.~~

27 ~~(ii) The manner in which the monitoring technology functions~~  
 28 ~~and the risks and limitations of that technology, and the extent to~~  
 29 ~~which the system will track and record the victim's location and~~

1 ~~movements.~~

2 ~~(iii) The boundaries imposed on the defendant during the~~  
3 ~~monitoring program.~~

4 ~~(iv) Sanctions that the court may impose on the defendant for~~  
5 ~~violating an order issued under this subsection.~~

6 ~~(v) The procedure that the victim is to follow if the~~  
7 ~~defendant violates an order issued under this subsection or if~~  
8 ~~monitoring equipment fails to operate properly.~~

9 ~~(vi) Identification of support services available to assist the~~  
10 ~~victim to develop a safety plan to use if the court's order issued~~  
11 ~~under this subsection is violated or if the monitoring equipment~~  
12 ~~fails to operate properly.~~

13 ~~(vii) Identification of community services available to assist~~  
14 ~~the victim in obtaining shelter, counseling, education, child care,~~  
15 ~~legal representation, and other help in addressing the consequences~~  
16 ~~and effects of domestic violence.~~

17 ~~(viii) The nonconfidential nature of the victim's communications~~  
18 ~~with the court concerning electronic monitoring and the~~  
19 ~~restrictions to be imposed upon the defendant's movements.~~

20 **(9)** ~~(7)~~ A judge or district court magistrate may release under  
21 this subsection a defendant subject to conditions reasonably  
22 necessary for the protection of the public if the defendant has  
23 submitted to a preliminary roadside analysis that detects the  
24 presence of alcoholic liquor, a controlled substance, or other  
25 intoxicating substance, or any combination of them, and that a  
26 subsequent chemical test is pending. The judge or district court  
27 magistrate shall inform the defendant on the record, either orally  
28 or by a writing that is personally delivered to the defendant, of  
29 all of the following:

1 (a) That if the defendant is released under this subsection,  
 2 ~~he or she~~ **the defendant** shall not operate a motor vehicle under the  
 3 influence of alcoholic liquor, a controlled substance, or another  
 4 intoxicating substance, or any combination of them, as a condition  
 5 of release.

6 (b) That if the defendant violates the condition of release  
 7 under subdivision (a), ~~he or she~~ **the defendant** will be subject to  
 8 arrest without a warrant, shall have ~~his or her~~ bail forfeited or  
 9 revoked, and shall not be released from custody prior to  
 10 arraignment.

11 **(10)** ~~(8)~~—The judge or district court magistrate shall  
 12 immediately direct the issuing court or a law enforcement agency  
 13 within the jurisdiction of the court, in writing, to enter an order  
 14 or amended order issued under subsection ~~(7)~~ **(9)** into LEIN. If the  
 15 order or amended order is rescinded, the judge or district court  
 16 magistrate shall immediately order the issuing court or law  
 17 enforcement agency to remove the order or amended order from LEIN.

18 **(11)** ~~(9)~~—The issuing court or a law enforcement agency within  
 19 the jurisdiction of the court shall immediately enter an order or  
 20 amended order into LEIN. If the order or amended order is  
 21 rescinded, the court or law enforcement agency shall immediately  
 22 remove the order or amended order from LEIN upon expiration of the  
 23 order under subsection ~~(8)~~ **(10)**.

24 **(12)** ~~(10)~~—This section does not limit the authority of judges  
 25 or district court magistrates to impose protective or other release  
 26 conditions under other applicable statutes or court rules,  
 27 including ordering a defendant to wear an electronic monitoring  
 28 device.

29 **(13)** ~~(11)~~—As used in this section: 7

1           (a) "Aggravated domestic violence" means any of the following  
2 offenses:

3           (i) Section 81a(2) or (3) of the Michigan penal code, 1931 PA  
4 328, MCL 750.81a.

5           (ii) Section 84 of the Michigan penal code, 1931 PA 328, MCL  
6 750.84, if the victim is the defendant's spouse or former spouse,  
7 an individual with whom the defendant has or has had a dating  
8 relationship, an individual with whom the defendant has had a child  
9 in common, or a resident or former resident of the same household.

10          (b) "Assaultive crime" means that term as defined in section  
11 9a of chapter X.

12          (c) "Domestic violence" means that term as defined in section  
13 1 of 1978 PA 389, MCL 400.1501.

14          (d) "Electronic monitoring device" includes any electronic  
15 device or instrument that is used to track the location of an  
16 individual or to monitor an individual's blood alcohol content, but  
17 does not include any technology that is implanted or violates the  
18 corporeal body of the individual.

19          (e) "Informed consent" means that the victim was given  
20 information concerning all of the following before consenting to  
21 participate in electronic monitoring:

22           (i) The victim's right to refuse to participate in that  
23 monitoring and the process for requesting the court to terminate  
24 the victim's participation after it has been ordered.

25           (ii) The manner in which the monitoring technology functions  
26 and the risks and limitations of that technology, and the extent to  
27 which the system will track and record the victim's location and  
28 movements.

29           (iii) The boundaries imposed on the defendant during the



1 monitoring program.

2 (iv) Sanctions that the court may impose on the defendant for  
3 violating an order issued under this subsection.

4 (v) The procedure that the victim is to follow if the  
5 defendant violates an order issued under this subsection or if  
6 monitoring equipment fails to operate properly.

7 (vi) Identification of support services available to assist the  
8 victim to develop a safety plan to use if the court's order issued  
9 under this subsection is violated or if the monitoring equipment  
10 fails to operate properly.

11 (vii) Identification of community services available to assist  
12 the victim in obtaining shelter, counseling, education, child care,  
13 legal representation, and other help in addressing the consequences  
14 and effects of domestic violence.

15 (viii) The nonconfidential nature of the victim's communications  
16 with the court concerning electronic monitoring and the  
17 restrictions to be imposed upon the defendant's movements.

18 (f) "LEIN" means the law enforcement information network  
19 regulated under the C.J.I.S. policy council act, 1974 PA 163, MCL  
20 28.211 to 28.215, or by the department of state police.

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