

HOUSE BILL No. 6455

October 17, 2018, Introduced by Reps. Peterson, LaGrand, Brann, LaSata, Calley, Pagel, Howell, Rabhi, Geiss, Sowerby, Moss, Sabo, Cambensy, Hoadley, Wittenberg, Leutheuser, Ellison, Hammoud, Zemke and Howrylak 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
OTHER THAN ON A PERSONAL RECOGNIZANCE OR UNSECURED BOND WITHOUT
SPECIAL CONDITIONS, THE COURT SHALL IMPOSE ON THE DEFENDANT THE
LEAST ONEROUS CONDITION OR COMBINATION OF CONDITIONS OF RELEASE**

1 THAT WILL REASONABLY ENSURE THE APPEARANCE OF THE DEFENDANT AND THE
2 SAFETY OF EACH ALLEGED VICTIM, OTHER PERSONS, AND THE COMMUNITY.

3 (3) THE COURT SHALL PROVIDE A FINANCIAL DISCLOSURE FORM TO
4 EACH DEFENDANT PRIOR TO THE DEFENDANT'S ARRAIGNMENT FOR USE BY THE
5 COURT AT THE DEFENDANT'S ARRAIGNMENT. THE FORM MUST CONTAIN THE
6 FOLLOWING LANGUAGE OR SUBSTANTIALLY SIMILAR LANGUAGE DISPLAYED IN A
7 PROMINENT POSITION:

8 "WARNING: YOU MAY BE REQUIRED TO AFFIRM THE ACCURACY
9 OF THIS FORM UNDER OATH AT YOUR ARRAIGNMENT. FILING
10 AN INTENTIONALLY INACCURATE STATEMENT OF FINANCES
11 MAY RESULT IN PERJURY CHARGES OR ACTION FOR CONTEMPT
12 OF COURT. BY SIGNING THIS FORM, YOU AUTHORIZE ANYONE
13 POSSESSING ANY INFORMATION OR RECORDS PERTAINING TO
14 YOUR PERSONAL FINANCES OR INCOME TO PROVIDE SUCH
15 INFORMATION TO THE COURTS."

16 (4) IF THE COURT FIXES A BAIL AMOUNT UNDER THIS CHAPTER AND
17 ALLOWS THE POSTING OF A 10% DEPOSIT BOND, THE DEFENDANT MAY POST
18 BAIL BY A SURETY BOND IN AN AMOUNT EQUAL TO 1/4 OF THE FULL BAIL
19 AMOUNT FIXED UNDER THIS CHAPTER AND EXECUTED BY A SURETY APPROVED
20 BY THE COURT.

21 (5) THE SUPREME COURT MAY PRESCRIBE RULES TO IMPLEMENT THIS
22 CHAPTER.

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

25 Enacting section 2. This amendatory act does not take effect
26 unless all of the following bills of the 99th Legislature are
27 enacted into law:

1 (a) Senate Bill No. _____ or House Bill No. 6456 (request no.
2 02807'17).

3 (b) Senate Bill No. _____ or House Bill No. 6457 (request no.
4 02808'17).

5 (c) Senate Bill No. _____ or House Bill No. 6458 (request no.
6 03565'17).