

HOUSE BILL No. 6458

October 17, 2018, Introduced by Reps. VanSingel, LaGrand, Brann, LaSata, Calley, Pagel, Howell, Rabhi, Geiss, Sowerby, Moss, Sabo, Cambensy, Hoadley, Wittenberg, Leutheuser, Ellison, Hammoud and Zemke 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 6e to chapter V.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER V

SEC. 6E. IF THE COURT DETERMINES THAT 1 OR BOTH OF THE CIRCUMSTANCES DESCRIBED IN SECTION 6(2) APPLY AND THAT A DEFENDANT WILL NOT BE RELEASED ON A PERSONAL RECOGNIZANCE BOND, THE COURT, IN FIXING THE AMOUNT OF BAIL UNDER THIS CHAPTER, SHALL NOT IMPOSE A FINANCIAL CONDITION OF RELEASE THAT RESULTS IN THE PRETRIAL DETENTION OF A DEFENDANT SOLELY BECAUSE THE DEFENDANT IS FINANCIALLY INCAPABLE OF MEETING THAT CONDITION. THE COURT MAY CONSIDER ALL RESOURCES AVAILABLE TO THE DEFENDANT FROM ANY LAWFUL

1 **SOURCE IN DETERMINING THE DEFENDANT'S FINANCIAL CAPABILITIES.**

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

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

7 (a) Senate Bill No. _____ or House Bill No. 6456 (request no.
8 02807'17).

9 (b) Senate Bill No. _____ or House Bill No. 6457 (request no.
10 02808'17).

11 (c) Senate Bill No. _____ or House Bill No. 6455 (request no.
12 03566'17).