

LaGrand Bail Reform Package: Bill Summaries

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Rep. David LaGrand: dlagrand@house.mi.gov

Phil Skaggs, Legislative Director, psdaggs@house.mi.gov

The Bill Package

The Problem: The purpose of requiring bail is to ensure a charged – but unconvicted – defendant’s appearance in court and to protect the public until a trial. Unfortunately, thousands of individuals in Michigan are held every day on low bonds, set neither because of safety concerns nor flight risk. Nationally, over the last two decades we have seen an increase in county jail populations caused almost entirely by an increase in pre-trial detainees who cannot afford even modest cash bail. In Michigan, approximately 41% of the county jail population of around 15,000 are there because they are unable to post bond. Pre-trial jailing of Michigan residents harms their lives and families, is disruptive to employers and landlords, and costs taxpayers around \$150 million annually.

A Solution: Shockingly, courts often set bond above defendants’ resources because courts do not know the financial situation of defendants. The heart of this package creates a basic financial information form, so that judges are able to set a proper amount of cash bond. Other bills in this package put court rules into statute in order to assure consistency among courts. This includes making the presumed condition of pretrial release a personal recognizance bond unless there is a risk to the community or of the defendant missing court dates, and requiring the court shall make its bail findings on the record. As is current practice, defendants considered dangerous to the community or themselves, as well as those deemed unlikely to attend court hearings, will still receive high bail bond or be jailed without the possibility of pretrial release. Finally, district and circuit courts are to submit data on bail practices to the State Court Administrative Office.

Sponsors

House

Democrats: LaGrand, Neeley, Garrett, Peterson, Yancey

Republicans: Brann, Howell, Johnson, LaFave, VanSingel

Senate

Democrats: Irwin, Brinks, Hollier, Santana, Wojno

Republicans: TBD

Individual Bill Summaries

Bail Reform: Bail Must “Not Be Excessive” and Bail Criteria Section 6A

House Bill 2019:

LSB Request 2019: 792

House Sponsor 2019: David LaGrand (D-Grand Rapids, HD-75)

Senate Bill 2019:

Senate Sponsor 2019: TBD

2018 House Bill 6456

House Sponsor 2018: David LaGrand (D-Grand Rapids, HD-75)

Amend PA 175 (1927) / MCL 765.6, as amended PA 167 (2004)

Summary: Chapter V, Section 6A: Bail must not be “excessive.” The presumed condition of pretrial release is a personal recognizance bond. When fixing bail amount, the court shall consider adult record (and juvenile record in some cases), defendant’s ability to pay, and previous criteria. The court shall make findings on the record.

Bail Reform: Least Onerous Conditions to Ensure Appearance; Defendant Financial Disclosure Form Requirement

House Bill 2019:

LSB Request 2019: 947

House Sponsor 2019: Ronnie Peterson (D-Ypsilanti, HD-54)

Senate Bill 2019:

Senate Sponsor 2019: TBD

House Bill 2018: 6455

House Sponsor 2018: Ronnie Peterson (D-Ypsilanti, HD-54)

Amend PA 175 (1927) / MCL 760.1 – 777.69.

Summary: Section 6F: Courts shall not set financial condition or release based on pre-established bail schedule. If not releasing the defendant on a personal recognizance bond, the court shall impose least onerous conditions of release that will reasonably ensure the appearance of the defendant in court and public safety. The court shall provide a financial disclosure form to defendants. The Michigan Supreme Court may prescribe rules to implement.

Bail Reform: Financial Disclosure Form Misrepresentation Penalty

House Bill 2019:

House Sponsor 2019: Gary Howell (R-North Branch, HD-82)

LSB Request 2019: 821

Senate Bill 2019:

Senate Sponsor 2019: TBD

2018 Sponsor: Hornberger (R- Chesterfield Township, HD-32)

House Bill 2018: 6457

Amend PA 175 (1927) / MCL 765.6a.

Summary: Chapter V, Section 6a: Defendant who knowingly misrepresents status on financial disclosure form may be found in contempt of court or liable to be charged for perjury.

Bail Reform: Bail Amount Criteria Section 6E

House Bill 2019:

House Sponsor 2019: Scott VanSingel (R-Grant, HD-100)

LSB Request 2019: 1820

Senate Bill 2019:

Senate Sponsor 2019: TBD

House Bill 2018: 6458

2018 Sponsor: Scott VanSingel (R-Grant, HD-100)

Amend PA 175 (1927) / MCL 760.1 – 777.69.

Summary: Chapter V, Section 6E: The court shall not impose a financial condition that results in the pretrial detention of a defendant solely because the defendant is financially incapable of meeting that condition.

Bail Reform: Interim Bond Reform

House Bill 2019:

House Sponsor 2019: Sheldon Neeley (D-Flint, HD-34)

LSB Request 2019: 774

Senate Bill 2019:

Senate Sponsor 2019: TBD

House Bill 2018: 6461

House Sponsor 2018: Sheldon Neeley (D-Flint, HD-34)

Amend PA 44 (1961) / MCL 780.581-780.583a as amended in 1990 & 2001.

Summary: Interim bond reform: Defendants charged with most misdemeanors or civil infractions are to be released on a personal recognizance bond if a judge or magistrate is not available within a timely manner. Reforms and expands sections on giving bond authority to arresting officers. Eliminates floor for interim bond amount and caps at 50% of possible fine.

Bail Reform: Interim Bond Reform Cleanup

House Bill 2019:

House Sponsor 2019: Steve Johnson (R-Shelbyville, HD-72)

LSB Request 2019: 774a

Senate Bill 2019:

Senate Sponsor 2019: TBD

House Bill 2018: 6463

House Sponsor 2018: Martin Howrylak (R-Troy, HD-41)

Amend PA 175 (1927) / MCL 764.9c, as amended by PA 208 (2001).

Summary: Chapter IV, Section 9c: Expands public safety officer discretion to issue appearance tickets for misdemeanors.

Bail Reform: Allow Greater Judicial Discretion on Bail for Defendants in Areas for Spouse or Child Support

House Bill 2019:

House Sponsor 2019: Tommy Brann (R-Wyoming, HD-77)

LSB Request 2019: 1922

Senate Bill 2019:

Senate Sponsor 2019: TBD

House Bill 2018: 6459

House Sponsor 2018: Tommy Brann (R-Wyoming, HD-77)

Amend PA 175 (1927) / MCL 750.165, as Amended PA 377 (2014)

Summary: Allow judges to set bail at their discretion instead of mandating bail be set at 25% of the arrearage in spousal or child support cases.

Bail Reform: Mandates District Courts Submit Bail Data to SCAO

House Bill 2019:

House Sponsor 2019: LaTanya Garrett (D-Detroit, HD-7)

LSB Request 2019: 1921

Senate Bill 2019:

Senate Sponsor 2019: TBD

House Bill 2018: 6462

House Sponsor 2018: LaTanya Garrett (D-Detroit, HD-7)

Amend PA ~~175 (1927)~~ / MCL 760.1-777.69, Section 6G, as amended PA 167 (2004)

Summary: Chapter V, Section 6G: District Courts shall submit Quarterly Bail Reports to State Court Administrative Office.

Bail Reform: Mandates Circuit Courts Submit Bail Data to SCAO

House Bill 2019: Tenisha Yancey (D-Harper Woods, HD-1)

House Possible Sponsor 2019: TBD

LSB Request 2019: 1923

2018 House Bill: 6462

2018 Sponsor: Adam Zemke (D-Ann Arbor, HD-55)

Amend PA 175 (1927) / MCL 760.1-777.69, Chapter V, adding Section 6H

Summary: Circuit Courts shall submit Quarterly Bail Reports to State Court Administrative Office.

Bail Reform: Driver's License Issue Cleanup

House Bill 2019:

House Sponsor 2019: Beau LaFave (R-Iron Mountain, HD-108)

LSB Request 2019: 792a

Senate Bill 2019:

Senate Sponsor 2019: TBD

House Bill 2018: 6460

House Sponsor 2018: Rob Verheulen (R-Walker, HD-74)

Summary: Cleanup of PA 300 (1949/1983) Michigan Vehicle Code section 311a (MCL 257.311a).

Resolution Urging Local Governments to Use Savings for Community Policing

House Resolution Sponsor: Vanessa Guerra (D-Saginaw, HD-95)

Senate Resolution Sponsor: TBD

Summary: Cities and counties should analyze savings realized after passage of bail reform bills. The House urges cities and counties to allocate at least half of the savings realized by the passage of the bail reform bills for additional spending on community policing efforts, and increasing staffing of sheriff and police departments.

2018 Stakeholder Support

Michigan District Judges Association: Officially "support in concept"

Michigan Judges Association (Circuit Judges): Officially "support in concept"

Prosecuting Attorneys Association of Michigan: Official Support

Michigan Sheriffs' Association: Supportive pending edits

Grand Rapids Chamber of Commerce: Official Support

Michigan Chamber of Commerce: Officially "support in concept"

Michigan Association of Counties: Official Support

Mackinac Center: Official Support