

# HOUSE JOINT RESOLUTION L

November 30, 2021, Introduced by Reps. Rabhi, Brenda Carter, Aiyash, Young, Pohutsky, Cynthia Johnson, Stone, Kuppa, Neeley, Sowerby, Cavanagh, Brabec, Scott, Brixie, Hood, Whitsett, Anthony and Yancey and referred to the Committee on Judiciary.

A joint resolution proposing an amendment to the state constitution of 1963, by amending sections 15 and 16 of article I to prohibit the imposition of money bail and to provide certain procedures regarding conditions of release.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to the state constitution of 1963, to prohibit the imposition of money bail and to provide certain procedures regarding conditions of release, is proposed, agreed to, and submitted to the people of the state:

- 1 ARTICLE I
- 2 Sec. 15. No person shall be subject for the same offense to be

1 twice put in jeopardy. All persons shall, before conviction, be  
2 bailable, ~~by sufficient sureties,~~ except that bail may be denied  
3 for the following persons when the proof is evident or the  
4 presumption great:

5 (a) A person who, within the 15 years immediately preceding a  
6 motion for bail pending the disposition of an indictment for a  
7 violent felony or of an arraignment on a warrant charging a violent  
8 felony, has been convicted of 2 or more violent felonies under the  
9 laws of this state or under substantially similar laws of the  
10 United States or another state, or a combination thereof, only if  
11 the prior felony convictions arose out of at least 2 separate  
12 incidents, events, or transactions.

13 (b) A person who is indicted for, or arraigned on a warrant  
14 charging, murder or treason.

15 (c) A person who is indicted for, or arraigned on a warrant  
16 charging, criminal sexual conduct in the first degree, armed  
17 robbery, or kidnapping with intent to extort money or other  
18 valuable thing thereby, unless the court finds by clear and  
19 convincing evidence that the defendant is not likely to flee or  
20 present a danger to any other person.

21 (d) A person who is indicted for, or arraigned on a warrant  
22 charging, a violent felony which is alleged to have been committed  
23 while the person was on bail, pending the disposition of a prior  
24 violent felony charge or while the person was on probation or  
25 parole as a result of a prior conviction for a violent felony.

26 If a person is denied admission to bail under this section,  
27 the trial of the person shall be commenced not more than 90 days  
28 after the date on which admission to bail is denied. If the trial  
29 is not commenced within 90 days after the date on which admission

1 to bail is denied and the delay is not attributable to the defense,  
2 the court shall immediately schedule a bail hearing and shall set  
3 the amount of bail for the person.

4 As used in this section, "violent felony" means a felony, an  
5 element of which involves a violent act or threat of a violent act  
6 against any other person.

7 This section, as amended, shall not take effect until May 1,  
8 1979.

9 Sec. 16. (1) ~~Excessive~~ **Except if it is required by an**  
10 **interstate compact in which this state has entered or for purposes**  
11 **of extradition, money bail or bail with sureties** shall not be  
12 required. ~~Excessive~~ **Before a person is convicted the court shall**  
13 **release the person on his or her own recognizance unless after a**  
14 **hearing the court finds that the person is highly likely to**  
15 **willfully flee, poses a specific real and present threat to a**  
16 **person, or has violated a protection order or an existing condition**  
17 **of release. In order for the court to find that the person is**  
18 **highly likely to willfully flee, there must be circumstances**  
19 **present indicating the likelihood of flight beyond a simple history**  
20 **of nonappearance. The court may impose nonmonetary conditions of**  
21 **release necessary to reasonably ensure appearance at trial or to**  
22 **protect an identifiable person from imminent harm.**

23 (2) ~~Excessive~~ fines shall not be imposed; cruel or unusual  
24 punishment shall not be inflicted; nor shall witnesses be  
25 unreasonably detained.

26 Resolved further, That the foregoing amendment shall be  
27 submitted to the people of the state at the next general election  
28 in the manner provided by law.