

**House Bill 5199**  
**Sponsor: Rep. Leon Drolet**  
**Committee: Criminal Justice**

**Complete to 10-27-03**

**A SUMMARY OF HOUSE BILL 5199 AS INTRODUCED 10-22-03**

Currently, the Code of Criminal Procedure specifies that a defendant convicted of an assaultive crime must not be admitted to bail while awaiting sentence unless the trial court finds by clear and convincing evidence that the defendant is not likely to pose a danger to other persons. A defendant who, after being convicted and sentenced, has filed an appeal or an application for leave to appeal must also be detained and not admitted to bail unless the trial court or the court to which the defendant appealed finds by clear and convincing evidence that the defendant is not likely to pose a danger to others and the appeal or application raises a substantial question of law or fact. Criminal sexual conduct offenses are included in the list of offenses defined as assaultive crimes.

The bill would amend the code to make “sexual assault of a minor” a nonbailable offense. The bill would define “minor” as a person under 16 years of age and “sexual assault of a minor” as criminal sexual conduct (CSC) in the first, second, or third degrees or assault with intent to commit CSC in the 1<sup>st</sup>, 2<sup>nd</sup>, or 3<sup>rd</sup> degrees. Therefore, under the bill, a court could not release on bail a defendant during the time period between when he or she was convicted of the crime and when he or she was sentenced, even if the defendant did not pose a danger to others, nor could a court release on bail a defendant who had filed an appeal or application for leave to appeal after sentencing for sexual assault of a minor.

MCL 770.9 et al.

Analyst: S. Stutzky

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