

**THE CODE OF CRIMINAL PROCEDURE (EXCERPT)**  
**Act 175 of 1927**

**772.6 Failure to pay recognizance; commitment to county jail; hearing.**

Sec. 6.

If the person so ordered to recognize refuses or neglects to provide that recognizance, the court shall commit the person to the county jail during the period for which security was required, or until the person provides that recognizance. A person shall not be incarcerated for failure to pay the recognizance unless the court conducts a hearing and determines that the person has the resources to pay the recognizance and has not made a good faith effort to do so. In determining whether to incarcerate the person, the court shall also consider the person's employment status, earning ability, and financial resources; the willfulness of the person's failure to pay the recognizance; and any other special circumstances that may have a bearing on the person's ability to pay the recognizance. The court shall state in the warrant the cause of commitment with the sum and the time for which the security was required.

**History:** 1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17393 ;-- CL 1948, 772.6 ;-- Am. 1994, Act 71, Eff. July 1, 1994

**Former Law:** See section 6 of Ch. 162 of R.S. 1846, being CL 1857, § 5964; CL 1871, § 7830; How., § 9440; CL 1897, § 11805; and CL 1915, § 15632.