



1 and awaiting sentence shall be detained and shall not be admitted  
2 to bail unless the trial court finds by clear and convincing  
3 evidence that the defendant is not likely to pose a danger to  
4 other persons **and that section 9b of this chapter does not**  
5 **apply.**

6 (2) A defendant convicted of an assaultive crime and  
7 sentenced to a term of imprisonment who has filed an appeal or an  
8 application for leave to appeal shall be detained and shall not  
9 be admitted to bail unless the trial court or the court to which  
10 the appeal is taken finds by clear and convincing evidence **that**  
11 **section 9b of this chapter does not apply and** that both of the  
12 following exist:

13 (a) The defendant is not likely to pose a danger to other  
14 persons.

15 (b) The appeal or application raises a substantial question  
16 of law or fact.

17 (3) As used in this section, "assaultive crime" means an  
18 offense against a person described in section 81c(3), 82, 83, 84,  
19 86, 87, 88, 89, 90a, 90b(a) or (b), 91, 200 to 212a, 316, 317,  
20 321, 349, 349a, 350, 397, 411h(2)(b) or (3), 411i, 520b, 520c,  
21 520d, 520e, 520g, 529, 529a, 530, or 543a to 543z of the Michigan  
22 penal code, 1931 PA 328, MCL ~~750.81c(3)~~ **750.81c**, 750.82,  
23 750.83, 750.84, 750.86, 750.87, 750.88, 750.89, 750.90a, 750.90b,  
24 750.91, 750.200 to 750.212a, 750.316, 750.317, 750.321, 750.349,  
25 750.349a, 750.350, 750.397, 750.411h, 750.411i, 750.520b,  
26 750.520c, 750.520d, 750.520e, 750.520g, 750.529, 750.529a,  
27 750.530, and 750.543a to 750.543z.

House Bill No. 5199 as amended February 25, 2004

1 (4) The appeal or application for leave to appeal filed by a  
2 person denied bail under this section shall be expedited pursuant  
3 to rules adopted for that purpose by the supreme court.

4 Sec. 9b. (1) A defendant convicted of sexual assault of a  
5 minor and awaiting sentence shall be detained and shall not be  
6 admitted to bail.

7 (2) A defendant convicted of sexual assault of a minor  
8 sentenced to a term of imprisonment who has filed an appeal or an  
9 application for leave to appeal shall be detained and shall not  
10 be admitted to bail.

11 (3) As used in this section:

12 (a) "Minor" means an individual less than 16 years of age.

13 (b) "Sexual assault of a minor" means a violation of any of  
14 the following:

15 (i) Section 520b, 520c, 520d(1)(b), (c), (d), or (e) of the  
16 Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c, and  
17 750.520d, in which the victim of the offense is a minor.

18 (ii) Section 520d(1)(a) of the Michigan penal code, 1931 PA  
19 328, MCL 750.520d, if the actor is 5 or more years older than the  
20 victim.

21 (iii) Section 520g of the Michigan penal code, 1931 PA 328,  
22 MCL 750.520g, for assaulting an individual with the intent to  
23 commit criminal sexual conduct described in subparagraphs (i) and  
24 (ii).

<<Enacting section 1. This amendatory act takes effect June 30,  
2004.>>