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February 6, 2006

The Honorable Mike Goschka
State Senator
State Capitol
P.O. Box 30036
Lansing, MI 48909-7536

306 Townsend Street

Michael Franck Building

Lansing, MI

48933-2083

Re: SJR G Denial of Bail

Dear Senator Goschka:

At its January 20, 2006 meeting, the State Bar of Michigan's Board of Commissioners unanimously voted to **oppose in principle**¹ SJR G. This position was adopted after consideration of a recommendation made by the Criminal Jurisprudence and Practice Committee.

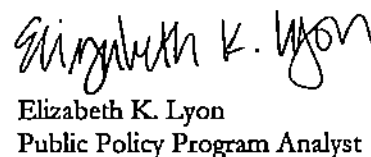
The State Bar recommends that a better method of addressing the option of denying bail would be to amend current statute MCL 765.5.² The right to bond is a fundamental constitutional right. Only very compelling circumstances should justify the denial of bond. The proposed constitutional amendment does not allow the facts and circumstances of an individual case to be taken into account. It would encompass a broad spectrum of defendants, including, for example, young defendants charged with a CSC offense involving a person the same age or close to their age.

If you would like to discuss this position in further detail or have questions, please contact Janet Welch directly at (517) 346-6375, jwelch@mail.michbar.org; or Elizabeth Lyon directly at (517) 346-6325, elyon@mail.michbar.org.

Sincerely,



Janet Welch
General Counsel



Elizabeth K. Lyon
Public Policy Program Analyst

CC. Thomas W. Cranmer, President
John T. Berry, Executive Director
Martin P. Krohner, Co-chair, Criminal Jurisprudence and Practice Committee
Valerie R. Newman, Co-chair, Criminal Jurisprudence and Practice Committee
Nell Kuhnmuensch, Governmental Consultant Services, Inc.

¹ Definition of oppose in principle: pending legislation that the State Bar opposes, but that is not the subject of active lobbying effort. The State Bar is on record on this position and will explain it upon request.

² MCL 765.5 Admission to bail; persons not entitled.

Sec. 5. No person charged with treason or murder shall be admitted to bail if the proof of his guilt is evident or the presumption great.