

January 30, 2026

Elizabeth C. Kingston-Miller  
Clerk of the Court  
Michigan Supreme Court  
P.O. Box 30052  
Lansing, MI 48909

**RE: ADM File No. 2023-09: Proposed Amendment of Rule 6.106 of the Michigan Court Rules**

Dear Clerk Kingston-Miller:

The Board of Commissioners of the State Bar of Michigan considered ADM File No. 2023-09 at its meeting on January 23, 2026. In its review, the Board considered recommendations from the Access to Justice Policy Committee, Criminal Jurisprudence & Practice Committee, and Criminal Law Section. The Board voted unanimously to support the proposed amendment of Rule 6.106 with a further amendment, proposed by the Criminal Jurisprudence & Practice Committee, to clarify the last sentence of Rule 6.106(I)(1) as follows:

However, if the accused is discharged from all obligations in the case and has not been convicted in the charged case whether public or under seal, has not received assignment under HYTA, is not under a delayed sentence, and has not been assigned to specialty court, the court must return to the accused the entire deposited amount.

To the extent that some courts are improperly retaining a portion of the bail amount set for an individual accused of a traffic offense or misdemeanor today, contravening the provisions of MCL 780.66, the proposed amendment of Rule 6.106 will help to eliminate this errant practice by making an explanation of the proper treatment of these bail amounts readily accessible to the court in our Court Rules. The Bar's additional amendment is intended to eliminate confusion and vagueness by stating those circumstances that are implicitly subject to the requirements of MCL 780.66 when an accused has not been convicted of a charge explicitly.

Thank you for the opportunity to comment on the proposed amendment.

Sincerely,



Peter Cunningham  
Executive Director

cc: Sarah Roth, Administrative Counsel, Michigan Supreme Court  
Lisa J. Hamameh, President

