



## Michigan Supreme Court

State Court Administrative Office  
Michigan Hall of Justice  
P.O. Box 30048  
Lansing, Michigan 48909

Thomas P. Boyd  
State Court Administrator

### MEMORANDUM

DATE: April 16, 2026

TO: District and Circuit Court Judges  
District and Circuit Court Administrators  
District Court Magistrates

FROM: Thomas P. Boyd, State Court Administrator

RE: Amendment to MCR 6.106(I) (Pretrial Release)

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Effective May 1, 2026, [amendments to MCR 6.106\(I\)](#) align the court rule with MCL 780.66(6) concerning the return of deposited percent bonds in pretrial release matters.

#### **Existing Rule**

Currently, if a criminal defendant posts a 10 percent bond, the court must “return 90 percent of the deposited money and retain 10 percent” if the conditions of release were satisfied. MCR 6.106(I)(1). In practice, this has been applied to a wide variety of criminal offenses.

#### **Amended Rule**

Beginning May 1, 2026, courts may still retain 10 percent of a deposited 10 percent bond, but only if all the following are true:

- The defendant is discharged from all obligations in the case;
- The bond was posted on a crime governed by MCL 780.66; and
- The defendant was convicted of the charged crime.

MCL 780.66 is a section within [1966 PA 257](#), which pertains to bail for “criminal offenses involving traffic offenses or misdemeanors.” If a 10 percent bond is posted on an offense *not* governed by MCL 780.66—that is, a non-misdemeanor and non-traffic offense—the court may *not* retain 10 percent of the deposited 10 percent bond under any circumstances. Similarly, if the defendant is not convicted of the offense (even if governed by MCL 780.66) the court may *not* retain 10 percent of the deposited 10 percent bond.<sup>1</sup>

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<sup>1</sup> If money was deposited by bail or bond executed by the defendant, the money must be first applied to the amount of any fine, costs, or statutory assessments imposed and any balance returned, *subject* to MCR 6.106(I)(1).

**Bail Setting**

This amendment only clarifies when a court must return or retain 10 percent of a deposited 10 percent bond. It does not change the legal criteria for setting bail. Judges must continue to set bail based solely on public safety and appearance considerations. The inability of a court to retain a portion of the bail deposit for some offenses is not lawful to consider when determining the type of bail.

This amendment did not require JIS programming changes for TCS or DCS; however, court staff must be aware of this procedural change to ensure bonds are distributed correctly. Non-JIS courts should contact their CMS provider to determine if any programming changes are necessary.

Please contact your [regional administrator](#) with any questions.