

SENATE BILL No. 583

October 10, 1989, Introduced by Senators POLLACK, WELBORN, BINSFELD, V. SMITH, KELLY, BARCIA, FAUST, DE GROW, GEO. HART, DINGELL, VAUGHN, J. HART, EHLERS, FAXON, NICHOLS, ENGLER, MILLER, IRWIN, DI NELLO and O'BRIEN and referred to the Committee on Criminal Justice and Urban Affairs.

A bill to amend sections 1, 2, 3, and 3a of Act No. 44 of the Public Acts of 1961, entitled

"An act to provide for the release of misdemeanor prisoners by giving bond to the arresting officer in certain circumstances not inconsistent with public safety; and to repeal certain acts and parts of acts,"

section 1 as amended by Act No. 149 of the Public Acts of 1985, being sections 780.581, 780.582, 780.583, and 780.583a of the Michigan Compiled Laws; and to add section 2a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Section 1. Sections 1, 2, 3, and 3a of Act No. 44 of the
- 2 Public Acts of 1961, section 1 as amended by Act No. 149 of the
- 3 Public Acts of 1985, being sections 780.581, 780.582, 780.583,
- 4 and 780.583a of the Michigan Compiled Laws, are amended and
- 5 section 2a is added to read as follows:

1 Sec. 1. (1) If ~~any~~ A person is arrested without a warrant
2 for a misdemeanor OR A violation of a city, village, or township
3 ordinance, ~~which~~ AND THE misdemeanor or violation is punishable
4 by imprisonment for not more than 1 year, or by a fine, or both,
5 the officer making the arrest shall take, without unnecessary
6 delay, the person arrested before the most convenient magistrate
7 of the county in which the offense was committed to answer to the
8 complaint.

9 (2) ~~If~~ EXCEPT AS OTHERWISE PROVIDED IN SECTION 2A, IF a
10 magistrate is not available or immediate trial cannot be had, the
11 person arrested may ~~leave~~ DEPOSIT with the arresting officer or
12 the direct supervisor of the arresting officer or department, or
13 with the sheriff or a deputy in charge of the county jail if the
14 person arrested is lodged in the county jail, ~~as a~~ AN INTERIM
15 bond to guarantee his or her appearance. ~~—~~ THE BOND SHALL BE a
16 sum of money, as determined by ~~whoever~~ THE OFFICER WHO accepts
17 the bond, not to exceed the amount of the maximum possible fine
18 but not less than 20% of the amount of the minimum possible fine
19 that may be imposed for the offense for which the person was
20 arrested. The person shall be given a receipt as provided in
21 section 3.

22 (3) If, in the opinion of the arresting officer or depart-
23 ment, the arrested person is under the influence of intoxicating
24 liquor or a controlled substance, or a combination of intoxicat-
25 ing liquor and a controlled substance, is wanted by police
26 authorities to answer to another charge, is unable to establish
27 or demonstrate his or her identity, or it is otherwise unsafe to

1 release him or her, the arrested person shall be held at the
2 place specified in subsection (4) until he or she is in a proper
3 condition to be released, or until the next session of court.

4 (4) ~~if~~ FOR PURPOSES OF SUBSECTION (3), IF the person is
5 arrested in a political subdivision ~~which~~ THAT has a holding
6 cell, holding center, or lockup, the person shall be held in that
7 holding cell, holding center, or lockup. ~~except~~ HOWEVER, if
8 that holding facility is at capacity then the person may be held
9 in a holding cell, holding center, or lockup willing to accept
10 the prisoner. If the person is arrested in a political subdivi-
11 sion ~~which~~ THAT does not have a holding cell, holding center,
12 or lockup, the person shall be held in a holding cell, holding
13 center, or lockup willing to accept the prisoner or in the county
14 jail. ~~For purposes of~~ AS USED IN this subsection, "political
15 subdivision" means a city, village, or township.

16 Sec. 2. ~~When any~~ EXCEPT AS OTHERWISE PROVIDED IN
17 SECTION 2A, IF A person is arrested with a warrant for a misde-
18 meanor ~~or~~ OR A violation of a city, village, or township
19 ordinance, ~~which~~ AND THE MISDEMEANOR OR VIOLATION is punishable
20 by imprisonment for not more than 1 year or by a fine, or both,
21 the provisions of section 1 ~~of this act~~ shall apply, except
22 that the interim bond shall be directed to the magistrate who has
23 signed the warrant, or to any judge authorized to act in his OR
24 HER stead.

25 SEC. 2A. A PERSON SHALL NOT BE RELEASED ON AN INTERIM BOND
26 AS PROVIDED IN SECTION 1 OR ON HIS OR HER OWN RECOGNIZANCE AS
27 PROVIDED IN SECTION 3A, AND SHALL BE HELD UNTIL HE OR SHE CAN BE

1 BROUGHT BEFORE A MAGISTRATE FOR ARRAIGNMENT AS REQUIRED UNDER
2 SECTION 1 OR 2, IF EITHER OF THE FOLLOWING APPLIES:

3 (A) THE PERSON IS ARRESTED WITHOUT A WARRANT UNDER
4 SECTION 15A OF CHAPTER IV OF THE CODE OF CRIMINAL PROCEDURE, ACT
5 NO. 175 OF THE PUBLIC ACTS OF 1927, BEING SECTION 764.15A OF THE
6 MICHIGAN COMPILED LAWS, OR A CITY, VILLAGE, OR TOWNSHIP ORDINANCE
7 SUBSTANTIALLY CORRESPONDING TO THAT SECTION.

8 (B) THE PERSON IS ARRESTED WITH A WARRANT FOR A VIOLATION OF
9 SECTION 81 OR 81A OF THE MICHIGAN PENAL CODE, ACT NO. 328 OF THE
10 PUBLIC ACTS OF 1931, BEING SECTIONS 750.81 AND 750.81A OF THE
11 MICHIGAN COMPILED LAWS, OR A CITY, VILLAGE, OR TOWNSHIP ORDINANCE
12 SUBSTANTIALLY CORRESPONDING TO SECTION 81 OR 81A OF ACT NO. 328
13 OF THE PUBLIC ACTS OF 1931, AND THE PERSON IS A SPOUSE, A FORMER
14 SPOUSE, OR A PERSON WHO RESIDES OR HAS RESIDED IN THE SAME HOUSE-
15 HOLD AS THE VICTIM OF THE VIOLATION.

16 Sec. 3. (1) ~~The officer or department making such arrest~~
17 ~~shall in all cases~~ IF AN ARRESTED PERSON DEPOSITS AN INTERIM
18 BOND PURSUANT TO SECTION 1, THE OFFICER ACCEPTING THE BOND SHALL
19 give a receipt to the person ~~arrested~~ for the money ~~so~~ depos-
20 ited with him OR HER on a form as follows:

21 Date

22 Received from the sum of
23 Dollars as cash bail to assure the appearance of
24 before
25 District Court Judge (or
26 Municipal Judge) for, at

1 on the day of
 2, 19...., to answer to a charge of
 3

4 ~~In the event of failure of~~ IF the accused FAILS to appear at
 5 the time and place SPECIFIED above ~~named~~ and TO submit to the
 6 jurisdiction of the ~~said~~ court and stand to and abide by any
 7 order of ~~said~~ THE court, the ~~above named~~ sum SPECIFIED ABOVE
 8 shall be forfeited to the state or the arresting political
 9 subdivision. ~~, and by paying said money~~ BY DEPOSITING THIS
 10 MONEY and accepting this receipt the ~~recipient hereof~~ ACCUSED
 11 waives any ~~and all~~ claim ~~thereon~~ TO THE MONEY following
 12 ~~such~~ forfeiture.

13
 14

15 Officer: Dept.:

16 (2) If the ~~offender~~ ACCUSED fails to appear as ~~therein~~
 17 required IN THE INTERIM BOND RECEIPT, ~~such deposit shall be for-~~
 18 ~~feited by~~ the court ~~, and in~~ SHALL ORDER THE BOND FORFEITED as in
 19 cases of default in bail. ~~, and in~~ IN addition, ~~said~~ THE
 20 court may issue a warrant upon a signed complaint for the arrest
 21 of the accused ~~, or a bench warrant for the further appearance~~
 22 of the accused. ~~may be issued.~~

23 Sec. 3a. ~~When~~ EXCEPT AS OTHERWISE PROVIDED IN
 24 SECTION 2A, IF an arrest is made on a misdemeanor warrant from
 25 another county, the arresting officer may release the arrested
 26 person on his OR HER own recognizance. An interim bond receipt
 27 as provided in section 3 shall be executed. On the face of the
 receipt shall be written "released on own recognizance".