

# HOUSE BILL No. 5666

March 11, 1998, Introduced by Reps. Godchaux, Nye, Scranton, Baird, Richner, Dobb, Rocca, Curtis, Gilmer, McBryde, Frank, Jansen, Law, Horton, Wetters, Dalman, Murphy, Scott, Johnson, Geiger, Bobier, Middleton, Galloway, Bodem, Llewellyn, Walberg, Oxender, Birkholz, Crissman, Cassis, Jellema and Voorhees and referred to the Committee on Judiciary.

A bill to amend 1961 PA 44, 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,"

by amending section 2a (MCL 780.582a), as added by 1990 PA 308.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 2a. (1) A person shall not be released on an interim  
2 bond as provided in section 1 or on his or her own recognizance  
3 as provided in section 3a, but shall be held until he or she can  
4 be ~~brought before a magistrate for arraignment as required under~~  
5 ~~section 1 or 2 or, if a magistrate is not available or immediate~~  
6 ~~trial cannot be held within 24 hours, the person shall be held~~  
7 ~~for 20 hours, after which the person may be released on an~~  
8 ~~interim bond as provided in section 1 or on his or her own~~  
9 ~~recognizance as provided in section 3a, ARRIGNED OR HAVE~~

1 INTERIM BOND SET BY A JUDGE OR DISTRICT COURT MAGISTRATE if  
2 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 1927 PA 175, MCL 764.15A, or a city,~~  
7 ~~village, or township~~ LOCAL ordinance substantially corresponding  
8 to that section.

9 (b) The person is arrested with a warrant for a violation of  
10 section 81 or 81a of the Michigan penal code, ~~Act No. 328 of the~~  
11 ~~Public Acts of 1931, being sections 750.81 and 750.81a of the~~  
12 ~~Michigan Compiled Laws 1931 PA 328, MCL 750.81 AND 750.81A, or a~~  
13 ~~city, village, or township~~ LOCAL ordinance substantially corre-  
14 sponding to section 81 ~~or 81a~~ of ~~Act No. 328 of the Public~~  
15 ~~Acts of 1931,~~ THAT ACT and the person is a spouse ~~, a~~ OR  
16 former spouse ~~,~~ OF THE VICTIM OF THE VIOLATION, A PERSON WHO  
17 HAS HAD A CHILD IN COMMON WITH THE VICTIM OF THE VIOLATION, or a  
18 person who resides or has resided in the same household as the  
19 victim of the violation.

20 (2) IF A JUDGE OR DISTRICT COURT MAGISTRATE SETS INTERIM  
21 BOND UNDER THIS SECTION, THE PERSON SHALL ONLY BE RELEASED  
22 SUBJECT TO THE CONDITION THAT HE OR SHE SHALL NOT HAVE OR ATTEMPT  
23 TO HAVE CONTACT OF ANY KIND WITH THE VICTIM.