

SUBSTITUTE FOR
HOUSE BILL NO. 4716

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,~~ ARRAIGNED OR HAVE

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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.

24 (3) IF A JUDGE OR DISTRICT COURT MAGISTRATE RELEASES UNDER
25 THIS SECTION A PERSON SUBJECT TO PROTECTIVE CONDITIONS, THE JUDGE
26 OR DISTRICT COURT MAGISTRATE SHALL INFORM THE PERSON ON THE
27 RECORD, EITHER ORALLY OR BY A WRITING THAT IS PERSONALLY

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1 DELIVERED TO THE PERSON, OF THE SPECIFIC CONDITIONS IMPOSED AND
2 THAT IF THE PERSON VIOLATES A CONDITION OF RELEASE, HE OR SHE
3 WILL BE SUBJECT TO ARREST WITHOUT A WARRANT AND MAY HAVE HIS OR
4 HER BOND FORFEITED OR REVOKED AND NEW CONDITIONS OF RELEASE
5 IMPOSED, IN ADDITION TO ANY OTHER PENALTIES THAT MAY BE IMPOSED
6 IF HE OR SHE IS FOUND IN CONTEMPT OF COURT.

7 (4) AN ORDER OR AMENDED ORDER ISSUED UNDER SUBSECTION (3)
8 SHALL CONTAIN ALL OF THE FOLLOWING:

9 (A) A STATEMENT OF THE PERSON'S FULL NAME.

10 (B) A STATEMENT OF THE PERSON'S HEIGHT, WEIGHT, RACE, SEX,
11 DATE OF BIRTH, HAIR COLOR, EYE COLOR, AND ANY OTHER IDENTIFYING
12 INFORMATION THE JUDGE OR DISTRICT COURT MAGISTRATE CONSIDERS
13 APPROPRIATE.

14 (C) A STATEMENT OF THE DATE THE CONDITIONS BECOME
15 EFFECTIVE.

16 (D) A STATEMENT OF THE DATE ON WHICH THE ORDER WILL EXPIRE.

17 (E) A STATEMENT OF THE CONDITIONS IMPOSED, INCLUDING, BUT
18 NOT LIMITED TO, THE CONDITION PRESCRIBED IN SUBSECTION (3).

19 (5) THE JUDGE OR DISTRICT COURT MAGISTRATE SHALL IMMEDIATELY
20 DIRECT A LAW ENFORCEMENT AGENCY WITHIN THE JURISDICTION OF THE
21 COURT, IN WRITING, TO ENTER AN ORDER OR AMENDED ORDER ISSUED
22 UNDER SUBSECTION (3) INTO THE LAW ENFORCEMENT INFORMATION NETWORK
23 AS PROVIDED BY THE L.E.I.N. POLICY COUNCIL ACT OF 1974, 1974 PA
24 163, MCL 28.211 TO 28.216. IF THE ORDER OR AMENDED ORDER IS
25 RESCINDED, THE JUDGE OR DISTRICT COURT MAGISTRATE SHALL IMMEDI-
26 ATELY ORDER THE LAW ENFORCEMENT AGENCY TO REMOVE THE ORDER OR
27 AMENDED ORDER FROM THE LAW ENFORCEMENT INFORMATION NETWORK.

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1 (6) A LAW ENFORCEMENT AGENCY WITHIN THE JURISDICTION OF THE
2 COURT SHALL IMMEDIATELY ENTER AN ORDER OR AMENDED ORDER INTO THE
3 LAW ENFORCEMENT INFORMATION NETWORK AS PROVIDED BY THE
4 L.E.I.N. POLICY COUNCIL ACT OF 1974, 1974 PA 163, MCL 28.211 TO
5 28.216, OR SHALL REMOVE THE ORDER OR AMENDED ORDER FROM THE LAW
6 ENFORCEMENT INFORMATION NETWORK UPON EXPIRATION OF THE ORDER OR
7 AS DIRECTED BY THE COURT UNDER SUBSECTION (5).

8 (7) THIS SECTION DOES NOT LIMIT THE AUTHORITY OF JUDGES OR
9 DISTRICT COURT MAGISTRATES TO IMPOSE PROTECTIVE OR OTHER RELEASE
10 CONDITIONS UNDER OTHER APPLICABLE STATUTES OR COURT RULES.

11 Enacting section 1. This amendatory act takes effect July
12 1, 2000.