

HOUSE BILL No. 4389

March 7, 1989, Introduced by Reps. Van Regenmorter, Perry Bullard and Honigman and referred to the Committee on Judiciary.

A bill to amend sections 1, 3, and 6 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, 780.583, and 780.586 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1, 3, and 6 of Act No. 44 of the Public
2 Acts of 1961, section 1 as amended by Act No. 149 of the Public
3 Acts of 1985, being sections 780.581, 780.583, and 780.586 of the
4 Michigan Compiled Laws, are amended to read as follows:

5 Sec. 1. (1) If ~~any~~ A person is arrested without a warrant
6 for a misdemeanor OR A violation of a city, village, or township

1 ordinance, which misdemeanor or violation is punishable by
2 imprisonment for not more than 1 year, or by a fine, or both, the
3 officer making the arrest shall take, without unnecessary delay,
4 the person arrested before the most convenient magistrate of the
5 county in which the offense was committed to answer to the
6 complaint.

7 (2) If a magistrate is not available or immediate trial
8 cannot be had, the person arrested may ~~leave~~ DEPOSIT with the
9 arresting officer or the direct supervisor of the arresting offi-
10 cer or department, or with the sheriff or a deputy in charge of
11 the county jail if the person arrested is lodged in the county
12 jail, ~~as a~~ AN INTERIM bond to guarantee his or her appearance.
13 ~~, a sum~~ THE BOND SHALL BE A CASH OR SURETY BOND, AT THE OPTION
14 OF THE PERSON ARRESTED, IN AN AMOUNT of money ~~, as~~ TO BE deter-
15 mined by ~~whoever~~ THE OFFICER WHO accepts the bond, not to
16 exceed the amount of the maximum possible fine but not less than
17 20% of the amount of the minimum possible fine that may be
18 imposed for the offense for which the person was arrested. The
19 person shall be given ~~a~~ AN INTERIM BOND receipt as provided in
20 section 3.

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

1 place specified in subsection (4) until he or she is in a proper
2 condition to be released, or until the next session of court.

3 (4) ~~If~~ FOR PURPOSES OF SUBSECTION (3), IF the person is
4 arrested in a political subdivision which has a holding cell,
5 holding center, or lockup, the person shall be held in that hold-
6 ing cell, holding center, or lockup. ~~except~~ HOWEVER, if that
7 holding facility is at capacity then the person may be held in a
8 holding cell, holding center, or lockup willing to accept the
9 prisoner. If the person is arrested in a political subdivision
10 which does not have a holding cell, holding center, or lockup,
11 the person shall be held in a holding cell, holding center, or
12 lockup willing to accept the prisoner or in the county jail.

13 ~~For purposes of~~ AS USED IN this subsection, "political
14 subdivision" means a city, village, or township.

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

20 Date

21 Received from ~~the sum~~ A
22 (CASH/SURETY) BOND IN THE AMOUNT of Dollars ~~as cash~~
23 ~~bail~~ to assure the appearance of
24 before
25 District Court Judge (or Municipal Judge) for
26, at on the.....

1 day of, 19...., to answer to a charge
 2 of.....
 3 ~~In the event of failure of~~ IF the accused FAILS to appear at
 4 the time and place ~~above named~~ SPECIFIED IN THIS RECEIPT and TO
 5 submit to the jurisdiction of the ~~said~~ court and stand to and
 6 abide by any order of ~~said~~ THE court, the ~~above named sum~~
 7 CASH OR SURETY BOND FOR WHICH THIS RECEIPT IS GIVEN shall be for-
 8 feited to the state or the arresting political subdivision. ~~and by paying said money~~
 9 BY DEPOSITING THIS BOND and accepting
 10 this receipt the ~~recipient hereof~~ ACCUSED waives any ~~and all~~
 11 claim ~~thereon~~ TO THE BOND following ~~such~~ forfeiture.

12
 13 Officer: Dept.:

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

21 Sec. 6. Cash OR SURETY bonds accepted under this act shall
 22 be known as interim bonds ~~and~~ and shall be for the purpose of
 23 securing the defendant's arraignment in court. ~~at which time~~
 24 ~~said~~ AT ARRAIGNMENT, THE court may continue ~~said~~ THE bond for
 25 further proceedings ~~or may require a property bond or a~~
 26 ~~cash~~ bond in a greater or lesser amount, AS PROVIDED BY LAW.