

HOUSE BILL No. 6221

November 18, 1992, Introduced by Rep. Clarke and referred to the Committee on Judiciary.

A bill to amend section 28 of chapter V of Act No. 175 of the Public Acts of 1927, entitled as amended
"The code of criminal procedure,"
being section 765.28 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 28 of chapter V of Act No. 175 of the
2 Public Acts of 1927, being section 765.28 of the Michigan
3 Compiled Laws, is amended to read as follows:

CHAPTER V

4
5 Sec. 28. (1) ~~In addition to any other method available,~~
6 ~~it is hereby provided that whenever default shall be made in any~~
7 ~~IF A PERSON DEFAULTS ON A recognizance in any~~ A court of
8 record, the ~~same~~ DEFAULT shall be ~~duly~~ entered ~~of~~ ON THE
9 record OF THE COURT by the clerk of ~~said~~ THE court. ~~and~~
10 ~~thereafter said~~ THE court, AFTER ENTERING THE DEFAULT, AND upon

1 the motion of the attorney general, THE COUNTY prosecuting
2 attorney, or ~~city~~ THE attorney REPRESENTING THE LOCAL UNIT OF
3 GOVERNMENT, ~~may~~ SHALL give ~~the~~ EACH surety ~~or sureties~~ 20
4 days' notice ~~, which~~ OF THAT DEFAULT. THE notice OF DEFAULT
5 shall be served upon ~~said~~ THE surety ~~or sureties~~ in person or
6 left at his or ~~their~~ HER last known place of residence. ~~Said~~
7 (2) EACH surety ~~or sureties~~ NOTIFIED OF A DEFAULT PURSUANT
8 TO SUBSECTION (1) shall be given an opportunity to appear before
9 the court on a day certain and show cause why judgment should not
10 be entered against him or ~~them~~ HER for the full amount of
11 ~~such~~ THE recognizance. If good cause is not shown, the court
12 shall ~~then~~ enter A judgment OF FORFEITURE against the surety
13 ~~or sureties~~ on ~~said~~ THE recognizance for ~~such~~ THE amount
14 ~~as it may see fit~~ CONSIDERED APPROPRIATE BY THE COURT, BUT not
15 ~~exceeding~~ MORE THAN the full amount ~~thereof~~ OF THE
16 RECOGNIZANCE. ~~Execution~~ THE EXECUTION OF A RECOGNIZANCE shall
17 be ~~awarded and executed upon said judgment~~ MADE UNDER THIS
18 SECTION in ~~like~~ THE SAME manner as A RECOGNIZANCE is ~~provided~~
19 EXECUTED in A personal ~~actions~~ ACTION.

20 (3) THE COURT SHALL SET ASIDE THE DEFAULT AND FORFEITURE OF
21 A RECOGNIZANCE UNDER THIS SECTION WITHIN 1 YEAR AFTER THE DATE OF
22 THE ORDER OF FORFEITURE IF THE PERSON WHO WAS RELEASED ON THE
23 RECOGNIZANCE IS APPREHENDED, THE ENDS OF JUSTICE HAVE NOT BEEN
24 THWARTED, AND THE COUNTY HAS BEEN REPAID ITS COSTS FOR APPREHEND-
25 ING THE PERSON.

26 (4) THIS SECTION DOES NOT PROHIBIT THE DEFAULT AND
27 FORFEITURE OF A RECOGNIZANCE AS OTHERWISE PROVIDED BY LAW.