

SENATE BILL NO. 821

December 2, 1997, Introduced by Senators VAN REGENMORTER,
CHERRY, STEIL and CONROY and referred to the Committee
on Judiciary.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 26 (MCL 765.26).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 26. (1) In all criminal cases where ~~any~~ A person ~~or~~
2 ~~persons have~~ HAS entered into any recognizance for the personal
3 appearance of another and such bail and surety ~~shall~~ afterwards
4 ~~desire~~ DESIRES to be relieved from ~~his~~ responsibility, he OR
5 SHE may, with or without assistance BUT IN COMPLIANCE WITH THE
6 BAIL RECOVERY AGENT REGULATION ACT IF HE OR SHE IS SUBJECT TO
7 THAT ACT, arrest OR DETAIN the accused and deliver him OR HER at
8 the jail or to the sheriff of ~~said~~ THE county. In making such
9 AN arrest OR DETAINMENT, he ~~shall be~~ OR SHE IS entitled to the
10 assistance of ~~the sheriff, chief of police of any city or~~ any
11 peace officer.

1 (2) The sheriff or keeper of any jail in ~~said~~ A county is
2 authorized to receive such principal and detain him OR HER in
3 jail until he OR SHE is discharged. ~~in due course of law.~~ Upon
4 delivery of his OR HER principal at the jail by the surety or any
5 officer, ~~such~~ THE surety shall be released from the conditions
6 of his OR HER recognizance.

7 (3) Whenever the prosecuting attorney of ~~any~~ A county
8 ~~shall become~~ IS satisfied that ~~any~~ A person who has been rec-
9 ognized to appear for trial has absconded, or is about to
10 abscond, and that his OR HER sureties or either of them have
11 become worthless, or are about to dispose or have disposed of
12 their property for the purpose of evading the payment or the
13 obligation of such bond or recognizance ~~,~~ or with intent to
14 defraud their creditors, and such prosecuting attorney ~~shall~~
15 ~~make~~ MAKES a satisfactory showing to this effect to the court
16 having jurisdiction of ~~such~~ THAT person, ~~said~~ THE court or
17 judge shall forthwith grant a mittimus to the sheriff or any
18 ~~constable of said~~ PEACE OFFICER OF THAT county, commanding him
19 OR HER forthwith to arrest the person so recognized and bring him
20 OR HER before the officer issuing ~~such~~ THE mittimus ~~,~~ and on
21 the return of ~~said~~ THAT mittimus may, after a ~~full~~ hearing on
22 the merits, order him OR HER to be recommitted to the county jail
23 until such time as he ~~shall give~~ OR SHE GIVES additional and
24 satisfactory sureties, or ~~be~~ IS otherwise discharged.
25 ~~according to law.~~

26 Enacting section 1. This amendatory act does not take
27 effect unless Senate Bill No. 820

1

of the 89th Legislature is enacted into

2 law.