

HOUSE BILL NO. 4709

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending sections 15, 15a, 15b, 15c, and 15e of chapter IV
(MCL 764.15, 764.15a, 764.15b, 764.15c, and 764.15e), section 15
as amended by 1996 PA 490, section 15a as amended by 1996 PA 138,
sections 15b and 15c as amended by 1998 PA 475, and section 15e
as added by 1993 PA 52.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER IV

Sec. 15. (1) A peace officer, without a warrant, may arrest
a person in any of the following situations:

(a) A felony, misdemeanor, or ordinance violation is committed in the peace officer's presence.

(b) The person has committed a felony although not in the
peace officer's presence.

1 (c) A felony in fact has been committed and the peace
2 officer has reasonable cause to believe the person committed it.

3 (d) The peace officer has reasonable cause to believe a
4 felony has been committed and reasonable cause to believe the
5 person committed it.

6 (e) The peace officer has received positive information by
7 written, telegraphic, teletypic, telephonic, radio, ELECTRONIC,
8 or other authoritative source that another peace officer OR A
9 COURT holds a warrant for the person's arrest.

10 (f) The peace officer has received positive information
11 broadcast from a recognized police or other governmental radio
12 station, or teletype, that affords the peace officer reasonable
13 cause to believe a felony has been committed and reasonable cause
14 to believe the person committed it.

15 (g) The peace officer has reasonable cause to believe the
16 person is an escaped convict, has violated a condition of parole
17 from a prison, has violated a condition of probation imposed by a
18 court, or has violated a condition of a pardon granted by the
19 executive.

20 (h) The peace officer has reasonable cause to believe the
21 person was, at the time of an accident in this state, the opera-
22 tor of a vehicle involved in the accident and was operating the
23 vehicle in violation of section 625(1), (3), ~~or~~ (6), OR (7) or
24 section 625m of the Michigan vehicle code, ~~Act No. 300 of the~~
25 ~~Public Acts of 1949, being sections 257.625 and 257.625m of the~~
26 ~~Michigan Compiled Laws~~ 1949 PA 300, MCL 257.625 AND 257.625M, or
27 a local ordinance substantially corresponding to section 625(1),

1 (3), ~~or~~ (6), OR (7) or section 625m of ~~Act No. 300 of the~~
2 ~~Public Acts of 1949~~ THAT ACT.

3 (i) The person is found in the driver's seat of a vehicle
4 parked or stopped on a highway or street within this state if any
5 part of the vehicle intrudes into the roadway and the peace offi-
6 cer has reasonable cause to believe the person was operating the
7 vehicle in violation of section 625(1), (3), ~~or~~ (6), OR (7) or
8 section 625m of ~~Act No. 300 of the Public Acts of 1949~~ THE
9 MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.625 AND 257.625M, or
10 a local ordinance substantially corresponding to section 625(1),
11 (3), ~~or~~ (6), OR (7) or section 625m of ~~Act No. 300 of the~~
12 ~~Public Acts of 1949~~ THAT ACT.

13 (j) The peace officer has reasonable cause to believe the
14 person was, at the time of an accident, the operator of a snowmo-
15 bile involved in the accident and was operating the snowmobile in
16 violation of section 82127(1) or (3) of ~~part 821 (snowmobiles)~~
17 ~~of the natural resources and environmental protection act, Act~~
18 ~~No. 451 of the Public Acts of 1994, being section 324.82127 of~~
19 ~~the Michigan Compiled Laws~~ 1994 PA 451, MCL 324.82127, or a
20 local ordinance substantially corresponding to section 82127(1)
21 or (3) of ~~Act No. 451 of the Public Acts of 1994~~ THAT ACT.

22 (k) The peace officer has reasonable cause to believe the
23 person was, at the time of an accident, the operator of an ORV
24 involved in the accident and was operating the ORV in violation
25 of section 81134(1) or (2) or 81135 of ~~part 811 (off-road recre-~~
26 ~~ation vehicles) of Act No. 451 of the Public Acts of 1994, being~~
27 ~~sections 324.81134 and 324.81135 of the Michigan Compiled Laws~~

1 THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA
2 451, MCL 324.81134 AND 324.81135, or a local ordinance substan-
3 tially corresponding to section 81134(1) or (2) or 81135 of ~~Act~~
4 ~~No. 451 of the Public Acts of 1994~~ THAT ACT.

5 (l) The peace officer has reasonable cause to believe the
6 person was, at the time of an accident, the operator of a vessel
7 involved in the accident and was operating the vessel in viola-
8 tion of section 80176(1) or (3) of ~~part 801 (marine safety) of~~
9 ~~Act No. 451 of the Public Acts of 1994, being section 324.80176~~
10 ~~of the Michigan Compiled Laws~~ THE NATURAL RESOURCES AND ENVIRON-
11 MENTAL PROTECTION ACT, 1994 PA 451, MCL 324.80176, or a local
12 ordinance substantially corresponding to section 80176(1) or (3)
13 of ~~Act No. 451 of the Public Acts of 1994~~ THAT ACT.

14 (m) The peace officer has reasonable cause to believe a vio-
15 lation of section 356c or 356d of the Michigan penal code, ~~Act~~
16 ~~No. 328 of the Public Acts of 1931, being sections 750.356c and~~
17 ~~750.356d of the Michigan Compiled Laws~~ 1931 PA 328, MCL 750.356C
18 AND 750.356D, has taken place or is taking place and reasonable
19 cause to believe the person committed or is committing the viola-
20 tion, regardless of whether the violation was committed in the
21 peace officer's presence.

22 (2) An officer in the United States customs service or the
23 immigration and naturalization service, without a warrant, may
24 arrest a person if all of the following circumstances exist:

25 (a) The officer is on duty.

26 (b) One or more of the following situations exist:

1 (i) The person commits an assault or an assault and battery
2 punishable under section 81 or 81a of the Michigan penal code,
3 ~~Act No. 328 of the Public Acts of 1931, being sections 750.81~~
4 ~~and 750.81a of the Michigan Compiled Laws~~ 1931 PA 328, MCL
5 750.81 AND 750.81A, on the officer.

6 (ii) The person commits an assault or an assault and battery
7 punishable under section 81 or 81a of ~~Act No. 328 of the Public~~
8 ~~Acts of 1931~~ THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.81
9 AND 750.81A, on any other person in the officer's presence or
10 commits any felony.

11 (iii) The officer has reasonable cause to believe a felony
12 has been committed and reasonable cause to believe the person
13 committed it, and the reasonable cause is not founded on a cus-
14 toms search.

15 (iv) The officer has received positive information by writ-
16 ten, telegraphic, teletypic, telephonic, radio, ELECTRONIC, or
17 other authoritative source that a peace officer OR A COURT holds
18 a warrant for the person's arrest.

19 (c) The officer has received training in the laws of this
20 state equivalent to the training provided for an officer of a
21 local police agency under the ~~Michigan law enforcement officers~~
22 ~~training council act of 1965, Act No. 203 of the Public Acts of~~
23 ~~1965, being sections 28.601 to 28.616 of the Michigan Compiled~~
24 ~~Laws~~ COMMISSION ON LAW ENFORCEMENT STANDARDS ACT, 1965 PA 203,
25 MCL 28.601 TO 28.616.

26 Sec. 15a. A peace officer may arrest an individual for
27 violating section 81 or 81a of the Michigan penal code, ~~Act~~

1 ~~No. 328 of the Public Acts of 1931, being sections 750.81 and~~
2 ~~750.81a of the Michigan Compiled Laws~~ 1931 PA 328, MCL 750.81
3 AND 750.81A, or a local ordinance substantially corresponding to
4 section 81 of ~~Act No. 328 of the Public Acts of 1931~~ THAT ACT
5 regardless of whether the peace officer has a warrant or whether
6 the violation was committed in his or her presence ~~—~~ if the
7 peace officer has OR RECEIVES POSITIVE INFORMATION THAT ANOTHER
8 PEACE OFFICER HAS reasonable cause to believe both of the
9 following:

10 (a) The violation occurred or is occurring.

11 (b) The individual has had a child in common with the
12 victim, resides or has resided in the same household as the
13 victim, or is a spouse or former spouse of the victim.

14 Sec. 15b. (1) A peace officer, without a warrant, may
15 arrest and take into custody an individual when the peace officer
16 has OR RECEIVES POSITIVE INFORMATION THAT ANOTHER PEACE OFFICER
17 HAS reasonable cause to believe all of the following apply:

18 (a) A personal protection order has been issued under
19 section 2950 or 2950a of the revised judicature act of 1961, 1961
20 PA 236, MCL 600.2950 and 600.2950a.

21 (b) The individual named in the personal protection order is
22 ~~in violation of~~ VIOLATING OR HAS VIOLATED the order. An indi-
23 vidual is ~~in violation of~~ VIOLATING OR HAS VIOLATED the order
24 if that individual commits 1 or more of the following acts the
25 order specifically restrains or enjoins the individual from
26 committing:

1 (i) Assaulting, attacking, beating, molesting, or wounding a
2 named individual.

3 (ii) Removing minor children from an individual having legal
4 custody of the children, except as otherwise authorized by a cus-
5 tody or parenting time order issued by a court of competent
6 jurisdiction.

7 (iii) Entering onto premises.

8 (iv) Engaging in conduct prohibited under section 411h or
9 411i of the Michigan penal code, 1931 PA 328, MCL 750.411h and
10 750.411i.

11 (v) Threatening to kill or physically injure a named
12 individual.

13 (vi) ~~Beginning April 1, 1996, purchasing~~ PURCHASING or
14 possessing a firearm.

15 (vii) Interfering with petitioner's efforts to remove
16 petitioner's children or personal property from premises that are
17 solely owned or leased by the individual to be restrained or
18 enjoined.

19 (viii) Interfering with petitioner at petitioner's place of
20 employment or education or engaging in conduct that impairs
21 petitioner's employment or educational relationship or
22 environment.

23 (ix) Any other act or conduct specified by the court in the
24 personal protection order.

25 (c) The personal protection order states on its face that a
26 violation of its terms subjects the individual to immediate
27 arrest and either of the following:

1 (i) If the individual restrained or enjoined is 17 years of
2 age or older, to criminal contempt of court and, if found guilty
3 of criminal contempt, to imprisonment for not more than 93 days
4 and to a fine of not more than \$500.00.

5 (ii) If the individual restrained or enjoined is less than
6 17 years of age, to the dispositional alternatives listed in sec-
7 tion 18 of chapter XIIIA of the probate code OF 1939, 1939 PA 288,
8 MCL 712A.18.

9 (2) An individual arrested under this section shall be
10 brought before the family division of the circuit court having
11 jurisdiction in the cause within 24 hours after arrest to answer
12 to a charge of contempt for ~~violation of~~ VIOLATING the personal
13 protection order, at which time the court shall do each of the
14 following:

15 (a) Set a time certain for a hearing on the alleged viola-
16 tion of the personal protection order. THE HEARING SHALL BE HELD
17 within 72 hours after arrest, unless extended by the court on the
18 motion of the arrested individual or the prosecuting attorney.

19 (b) Set a reasonable bond pending a hearing of the alleged
20 violation of the personal protection order.

21 (c) Notify the prosecuting attorney of the criminal contempt
22 proceeding.

23 (d) Notify the party who ~~has~~ procured the personal protec-
24 tion order and his or her attorney of record, if any, and direct
25 the party to appear at the hearing and give evidence on the
26 charge of contempt.

1 (3) In circuits ~~where~~ IN WHICH the circuit court judge may
2 not be present or available within 24 hours after arrest, an
3 individual arrested under this section shall be taken before the
4 district court within 24 hours after arrest, at which time the
5 district court shall SET BOND AND order the defendant to appear
6 before the FAMILY DIVISION OF circuit court ~~of~~ IN the county
7 for a hearing on the charge. ~~The district court shall set bond~~
8 ~~for the individual.~~ IF THE DISTRICT COURT WILL NOT BE OPEN
9 WITHIN 24 HOURS AFTER ARREST, A JUDGE OR DISTRICT COURT MAGIS-
10 TRATE SHALL SET BOND AND ORDER THE DEFENDANT TO APPEAR BEFORE THE
11 CIRCUIT COURT IN THE COUNTY FOR A HEARING ON THE CHARGE.

12 (4) IF A CRIMINAL CONTEMPT PROCEEDING FOR VIOLATION OF A
13 PERSONAL PROTECTION ORDER IS NOT INITIATED BY AN ARREST UNDER
14 THIS SECTION BUT IS INITIATED AS A RESULT OF A SHOW CAUSE ORDER
15 OR OTHER PROCESS OR PROCEEDINGS, THE COURT SHALL DO ALL OF THE
16 FOLLOWING:

17 (A) NOTIFY THE PARTY WHO PROCURED THE PERSONAL PROTECTION
18 ORDER AND HIS OR HER ATTORNEY OF RECORD, IF ANY, AND DIRECT THE
19 PARTY TO APPEAR AT THE HEARING AND GIVE EVIDENCE ON THE CONTEMPT
20 CHARGE.

21 (B) NOTIFY THE PROSECUTING ATTORNEY OF THE CRIMINAL CONTEMPT
22 PROCEEDING.

23 (5) ~~-(4)-~~ The FAMILY DIVISION OF circuit court in each
24 county of this state has jurisdiction to conduct contempt pro-
25 ceedings based upon a violation of a personal protection order
26 described in this section issued by the circuit court in any
27 county of this state. The court of arraignment shall notify the

1 circuit court that issued the personal protection order that the
2 issuing court may request that the defendant be returned to that
3 ~~county~~ COURT for violating the personal protection order. If
4 the ~~circuit~~ court that issued the personal protection order
5 requests that the defendant be returned to that ~~county~~ COURT to
6 stand trial, the COUNTY OF THE requesting ~~county~~ COURT shall
7 bear the cost of transporting the defendant to that county.

8 (6) ~~-(5)-~~ The family division of circuit court has jurisdic-
9 tion to conduct contempt proceedings based upon a violation of a
10 personal protection order issued pursuant to section 2(h) of
11 chapter XIIIA of THE PROBATE CODE OF 1939, 1939 PA 288, MCL
12 712A.2, by the family division of circuit court in any county of
13 this state. The family division of circuit court that conducts
14 the preliminary ~~hearing~~ INQUIRY shall notify the family divi-
15 sion of circuit court that issued the personal protection order
16 that the issuing court may request that the respondent be
17 returned to that county for violating the personal protection
18 order. If the family division of circuit court that issued the
19 personal protection order requests that the respondent be
20 returned to that ~~county~~ COURT to stand trial, the COUNTY OF THE
21 requesting ~~county~~ COURT shall bear the cost of transporting the
22 ~~defendant~~ RESPONDENT to that county.

23 (7) ~~-(6)-~~ The prosecuting attorney shall prosecute a crimi-
24 nal contempt proceeding initiated by the court under subsection
25 (2) OR INITIATED BY A SHOW CAUSE ORDER UNDER SUBSECTION (4),
26 unless the party who procured the personal protection order
27 retains his or her own attorney for the criminal contempt

1 proceeding [OR THE PROSECUTING ATTORNEY DETERMINES THAT THE PERSONAL
PROTECTION ORDER WAS NOT VIOLATED OR THAT IT WOULD NOT BE IN THE
INTEREST OF JUSTICE TO PROSECUTE THE CRIMINAL CONTEMPT VIOLATION].
If the prosecuting attorney prosecutes the criminal

2 contempt proceeding, the court shall grant an adjournment for not
3 less than 14 days or a lesser period requested if the prosecuting
4 attorney moves for adjournment. If the prosecuting attorney
5 prosecutes the criminal contempt proceeding, the court may dis-
6 miss the proceeding upon motion of the prosecuting attorney for
7 good cause shown.

8 ~~(7) Upon receiving a true copy of a personal protection~~
9 ~~order issued in compliance with this section, the law enforcement~~
10 ~~agency shall enter the order into the law enforcement information~~
11 ~~network as provided by the L.E.I.N. policy council act of 1974,~~
12 ~~1974 PA 163, MCL 28.211 to 28.216.~~

13 (8) A COURT SHALL NOT RESCIND A PERSONAL PROTECTION ORDER,
14 DISMISS A CONTEMPT PROCEEDING BASED ON A PERSONAL PROTECTION
15 ORDER, OR IMPOSE ANY OTHER SANCTION FOR A FAILURE TO COMPLY WITH
16 A TIME LIMIT PRESCRIBED IN THIS SECTION.

17 Sec. 15c. (1) After investigating or intervening in a
18 domestic ~~dispute as described in section 15a or 15b of this~~
19 ~~chapter~~ VIOLENCE INCIDENT, a peace officer shall provide the
20 victim with a copy of the notice in this section. The notice
21 shall be written and shall include all of the following:

22 (a) The name and telephone number of the responding police
23 agency.

24 (b) The name and badge number of the responding peace
25 officer.

26 (c) ~~The~~ SUBSTANTIALLY THE following statement:

1 "You may obtain a copy of the police incident report for
2 your case by contacting this law enforcement agency at the
3 telephone number provided.

4 The domestic violence shelter program and other resources in
5 your area are (include local information).

6 Information about emergency shelter, counseling services,
7 and the legal rights of domestic violence victims is available
8 from these resources.

9 Your legal rights include the right to go to court and file
10 a petition requesting a personal protection order to protect you
11 or other members of your household from domestic abuse which
12 could include RESTRAINING OR ENJOINING THE ABUSER FROM DOING the
13 following:

14 (a) ~~An order restraining or enjoining the abuser from~~
15 ~~entering~~ ENTERING onto premises.

16 (b) ~~An order restraining or enjoining the abuser from~~
17 ~~assaulting~~ ASSAULTING, attacking, beating, molesting, or wound-
18 ing you.

19 (c) ~~An order restraining or enjoining the abuser from~~
20 ~~threatening~~ THREATENING to kill or physically injure you or
21 another person.

22 (d) ~~An order restraining or enjoining the abuser from~~
23 ~~removing~~ REMOVING minor children from you, except as otherwise
24 authorized by a custody or parenting time order issued by a court
25 of competent jurisdiction.

26 (e) ~~An order restraining or enjoining the abuser from~~
27 ~~engaging~~ ENGAGING in stalking behavior.

1 (f) ~~An order restraining or enjoining the abuser from~~
2 ~~purchasing~~ PURCHASING or possessing a firearm.

3 (g) ~~An order restraining or enjoining the abuser from~~
4 ~~interfering~~ INTERFERING with your efforts to remove your chil-
5 dren or personal property from premises that are solely owned or
6 leased by the abuser.

7 (h) ~~An order restraining or enjoining the abuser from~~
8 ~~interfering~~ INTERFERING with you at your place of employment or
9 education or engaging in conduct that impairs your employment
10 relationship or your employment or educational environment.

11 (i) ~~An order restraining or enjoining the abuser from~~
12 ~~engaging~~ ENGAGING in any other specific act or conduct that
13 imposes upon or interferes with your personal liberty or that
14 causes a reasonable apprehension of violence."~~."~~

15 (J) HAVING ACCESS TO INFORMATION IN RECORDS CONCERNING ANY
16 MINOR CHILD YOU HAVE WITH THE ABUSER THAT WOULD INFORM THE ABUSER
17 ABOUT YOUR ADDRESS OR TELEPHONE NUMBER, THE CHILD'S ADDRESS OR
18 TELEPHONE NUMBER, OR YOUR EMPLOYMENT ADDRESS.

19 YOUR LEGAL RIGHTS ALSO INCLUDE THE RIGHT TO GO TO COURT AND
20 FILE A MOTION FOR AN ORDER TO SHOW CAUSE AND A HEARING IF THE
21 ABUSER IS VIOLATING OR HAS VIOLATED A PERSONAL PROTECTION ORDER
22 AND HAS NOT BEEN ARRESTED."

23 (2) The peace officer shall prepare a domestic violence
24 report after investigating or intervening in a ~~domestic dispute~~
25 ~~or an incident involving~~ domestic violence ~~as described in sub-~~
26 ~~section (1)~~ INCIDENT. The report shall contain, but is not
27 limited to containing, all of the following:

1 (a) The address, date, and time of the ~~occurrence or~~
2 incident being investigated.

3 (b) The victim's name, address, home and work telephone num-
4 bers, race, sex, and date of birth.

5 (c) The suspect's name, address, home and work telephone
6 numbers, race, sex, date of birth, and information describing the
7 suspect and whether an injunction or restraining order covering
8 the suspect exists.

9 (d) The name, address, home and work telephone numbers,
10 race, sex, and date of birth of any witness, including a child of
11 the victim or suspect, and the relationship of the witness to the
12 suspect or victim.

13 (e) The following information about the ~~occurrence or~~
14 incident being investigated:

15 (i) The name of the person ~~that~~ WHO called the law
16 enforcement agency.

17 (ii) The relationship of the victim and suspect.

18 (iii) Whether alcohol or controlled substance use was
19 involved in the ~~occurrence or~~ incident, and by whom it was
20 used.

21 (iv) A brief narrative describing the ~~dispute or~~ incident
22 and the circumstances that led to it.

23 (v) Whether and how many times the suspect physically
24 assaulted the victim and a description of any weapon or object
25 used.

26 (vi) A description of all injuries sustained by the victim
27 and an explanation of how the injuries were sustained.

1 (vii) If the victim sought medical attention, information
2 concerning where and how the victim was transported, whether the
3 victim was admitted to a hospital or clinic for treatment, and
4 the name and telephone number of the attending physician.

5 (viii) A description of any property damage reported by the
6 victim or evident at the scene.

7 (f) A description of any previous ~~domestic disputes or~~
8 ~~incidents involving~~ domestic violence INCIDENTS between the
9 victim and the suspect.

10 (g) The date and time of the report and the name, badge
11 number, and signature of the peace officer completing the
12 report.

13 (3) The law enforcement agency shall retain the completed
14 domestic violence report in its files. The law enforcement
15 agency shall also file a copy of the completed domestic violence
16 report with the prosecuting attorney within 48 hours after the
17 ~~dispute or~~ DOMESTIC VIOLENCE incident is reported to the law
18 enforcement agency.

19 (4) AS USED IN THIS SECTION, "DOMESTIC VIOLENCE INCIDENT"
20 MEANS AN INCIDENT REPORTED TO A LAW ENFORCEMENT AGENCY INVOLVING
21 ALLEGATIONS OF 1 OR BOTH OF THE FOLLOWING:

22 (A) A VIOLATION OF A PERSONAL PROTECTION ORDER ISSUED UNDER
23 SECTION 2950 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236,
24 MCL 600.2950.

25 (B) A CRIME COMMITTED BY AN INDIVIDUAL AGAINST HIS OR HER
26 SPOUSE OR FORMER SPOUSE, AN INDIVIDUAL WITH WHOM HE OR SHE HAS

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House Bill No. 4709 as amended October 13, 1999

16

1 HAD A CHILD IN COMMON, OR AN INDIVIDUAL WHO RESIDES OR HAS
2 RESIDED IN THE SAME HOUSEHOLD.

3 Sec. 15e. (1) A peace officer, without a warrant, may
4 arrest and take into custody a defendant ~~who~~ WHOM the peace
5 officer has OR RECEIVES POSITIVE INFORMATION THAT ANOTHER PEACE
6 OFFICER HAS reasonable cause to believe is violating or has vio-
7 lated a condition of release imposed under section 6b of chapter
8 V [OR SECTION 2A OF 1961 PA 44, MCL 780.582A].

9 (2) If a peace officer arrests a defendant under subsection
10 (1), the peace officer shall do all of the following:

11 (a) Prepare a complaint of violation of conditional release
12 substantially in the following format:

13 COMPLAINT OF VIOLATION OF CONDITIONAL RELEASE

14 I _____ am a peace officer. I have determined

15 (name)

16 by:

17 ____L.E.I.N. and verification with the police agency holding
18 the order

19 ____Certified or true copy of order

20 ____Other (Describe) _____

21 That_____ released_____

22 (court) (name of defendant)

23 subject to the following conditions:

1 (state or attach a statement of relevant conditions)

2 I have reasonable cause to believe that on _____

3 (date)

4 at _____ the defendant violated those conditions as follows:

5 (time)

6 (state violations)

7 _____

8 (Signature)

9 _____

10 (Date)

11 (b) If the arrest occurred within the judicial district of
12 the court that imposed the conditions of release, ~~the peace~~

13 ~~officer shall immediately~~ BOTH OF THE FOLLOWING:

14 (i) IMMEDIATELY provide 1 copy of the complaint to the
15 defendant, the original and 1 copy of the complaint to that
16 court, and 1 copy of the complaint to the prosecuting attorney
17 for the case in which the conditional release was granted. The
18 law enforcement agency shall retain 1 copy of the complaint.

1 (ii) BRING THE DEFENDANT BEFORE THAT COURT WITHIN 1 BUSINESS
2 DAY FOLLOWING THE DEFENDANT'S ARREST TO ANSWER THE CHARGE OF
3 VIOLATING THE CONDITIONS OF RELEASE.

4 (c) If the arrest occurred outside the judicial district of
5 the court that imposed the conditions of release, ~~the peace~~
6 ~~officer shall immediately~~ BOTH OF THE FOLLOWING:

7 (i) IMMEDIATELY provide 1 copy of the complaint to the
8 defendant, and the original and 1 copy of the complaint to the
9 district court or municipal court in the judicial district in
10 which the violation occurred. The law enforcement agency shall
11 retain 1 copy of the complaint.

12 ~~(d) If the arrest occurred within the judicial district of~~
13 ~~the court that released the defendant subject to conditions,~~
14 ~~bring the defendant before that court within 1 business day fol-~~
15 ~~lowing the defendant's arrest to answer the charge of violating~~
16 ~~the conditions of release.~~

17 ~~(e) If the arrest occurred outside the judicial district of~~
18 ~~the court that released the defendant subject to conditions,~~
19 ~~bring the defendant before the district court or municipal court~~
20 ~~in the judicial district in which the violation occurred within 1~~
21 ~~business day following the arrest. The court shall determine~~
22 ~~conditions of release and promptly transfer the case to the court~~
23 ~~that released the defendant subject to conditions. The court to~~
24 ~~which the case is transferred shall notify the prosecuting attor-~~
25 ~~ney, in writing, of the alleged violation.~~

26 (ii) BRING THE DEFENDANT BEFORE THE DISTRICT COURT OR
27 MUNICIPAL COURT IN THE JUDICIAL DISTRICT IN WHICH THE VIOLATION

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19

1 OCCURRED WITHIN 1 BUSINESS DAY FOLLOWING THE ARREST. THE COURT
2 SHALL DETERMINE CONDITIONS OF RELEASE AND PROMPTLY TRANSFER THE
3 CASE TO THE COURT THAT RELEASED THE DEFENDANT SUBJECT TO
4 CONDITIONS. THE COURT TO WHICH THE CASE IS TRANSFERRED SHALL
5 NOTIFY THE PROSECUTING ATTORNEY IN WRITING OF THE ALLEGED
6 VIOLATION.

7 (3) If, in the opinion of the arresting police agency or
8 officer in charge of the jail, it is safe to release the
9 defendant before the defendant is brought before the court
10 ~~pursuant to~~ UNDER subsection (2), the arresting police agency
11 or officer in charge of the jail may release the defendant on
12 interim bond of not more than \$500.00 requiring the defendant to
13 appear at the opening of court the next business day. If the
14 defendant is held for more than 24 hours without being brought
15 before the court ~~pursuant to~~ UNDER subsection (2), the officer
16 in charge of the jail shall note in the jail records ~~the reason~~
17 WHY it was not safe to release the defendant on interim bond
18 ~~pursuant to~~ UNDER this subsection.

19 (4) The court shall give priority to cases brought under
20 this section in which the defendant is in custody or in which the
21 defendant's release would present an unusual risk to the safety
22 of any person.

23 (5) The hearing and revocation procedures for cases brought
24 under this section shall be governed by ~~the Michigan~~ SUPREME
25 COURT rules. ~~of court.~~

26 Enacting section 1. This amendatory act takes effect
27 [July 1, 2000].