

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA**BILL ANALYSIS**

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 5276 (Substitute S-1 as reported)
Sponsor: Representative Randy Richardville
House Committee: Criminal Justice
Senate Committee: Judiciary

CONTENT

The bill would amend Public Act 44 of 1961, which provides for the release of a person arrested on a misdemeanor charge upon the payment of an interim bond or on his or her own recognizance under some circumstances, to prohibit such release in domestic violence cases until the person was arraigned or interim bond was set by a judge or district court magistrate.

Currently, a person arrested with a warrant for simple or aggravated assault must be held until he or she can be brought before a magistrate for arraignment or, if a magistrate is not available or immediate trial cannot be held within 24 hours, the person must be held for 20 hours before being released on interim bond or his or her own recognizance, if the person is a spouse or former spouse of the victim or resides or formerly resided with the victim. The bill instead would prohibit release until the person was arraigned or a judge or magistrate set interim bond. The bill also would include in that provision a person arrested for simple or aggravated assault if the person were currently or previously in a dating relationship with the victim or had had a child in common with the victim.

If interim bond were set under the bill, the person could be released only subject to the condition that he or she not have or attempt to have contact with the victim. The judge or magistrate would have to inform the person of any release restrictions, and order a law enforcement agency to enter the order into the Law Enforcement Information Network (LEIN).

MCL 780.582a

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have no fiscal impact on the State.

To the extent that the bill would extend the prohibition or delay of bond release to those who had a dating relationship or a child with the victim of domestic violence, it would result in increased costs to local governments. A person waiting for arraignment would be held in a local facility. Local units would incur the cost of incarceration, which may vary between \$27 and \$62 per day.

Date Completed: 12-6-01

Fiscal Analyst: B. Wicksall