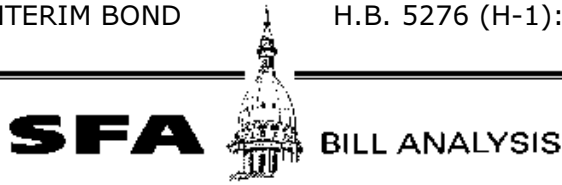


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House Bill 5276 (Substitute H-1 as passed by the House)  
Sponsor: Representative Randy Richardville  
House Committee: Criminal Justice  
Senate Committee: Judiciary

Date Completed: 12-4-01

### **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 do the following:**

- Prohibit such release in domestic violence cases until the person was arraigned or interim bond was set by a judge or district court magistrate.**
- Provide that a person released on interim bond would be subject to the condition that he or she have no contact with the victim.**
- Expand the circumstances that constitute a domestic violence case.**

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 arraignment or the setting of interim bond by a judge or magistrate. 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.

Under the bill, if a judge or district court magistrate set interim bond, the person could be released only subject to the condition that he or she not have or attempt to have contact of any kind with the victim. If a judge or magistrate released a person subject to protective conditions, the judge or magistrate would have to inform the person, on the record, either orally or by a writing personally delivered to the person, of all of the following:

- The specific conditions imposed.
- That violating a condition of release would make the person subject to arrest without a warrant.
- That, if the person violated a condition of release, his or her bond could be forfeited or revoked and new conditions of release could be imposed, in addition to any other penalties that could be imposed if the person were found in contempt of court.

An order or amended order of release on interim bond would have to contain all of the following:

- A statement of the person's full name.
- A statement of the person's height, weight, race, sex, date of birth, hair color, eye color, and any other identifying information the judge or magistrate considered appropriate.
- A statement of the date the conditions would become effective.
- A statement of the date on which the order would expire.
- A statement of the conditions imposed.

A judge or magistrate immediately and in writing would have to direct a law enforcement agency within the court's jurisdiction to enter an order or amended order into the Law Enforcement Information Network (LEIN). If the order or amended order were rescinded, the judge or magistrate immediately would have to order the law enforcement agency to remove it from the LEIN. A law enforcement agency within the court's jurisdiction would have to comply with the court's orders regarding LEIN.

The bill specifies that it would not limit the authority of judges or district court magistrates to impose protective or other release conditions under other applicable statutes or court rules.

The bill would take effect on April 1, 2002.

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.

Fiscal Analyst: B. Wicksall

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.