

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 6041 (Substitute H-1 as reported without amendment)
House Bill 6042 (Substitute H-1 as reported without amendment)
Sponsor: Representative Randy Richardville (House Bill 6041)
Representative Cameron Brown (House Bill 6042)
House Committee: Criminal Justice
Senate Committee: Judiciary

CONTENT

House Bill 6041 (H-1) would amend the Code of Criminal Procedure to allow a court to require an individual to waive extradition to Michigan before releasing him or her on bail. The court would have to require an extradition waiver before release on bail, if a person were charged with a crime for which bail may be denied under the State Constitution. (Bail may be denied for a person who was convicted of two or more violent felonies within the preceding 15 years; facing charges of murder or treason; facing charges of first-degree criminal sexual conduct, armed robbery, or kidnapping with intent to extort money or other valuable things; or facing charges for a violent felony committed while he or she was on bail, pending the disposition of a prior violent felony, or while on probation or parole for a violent felony. "Violent felony" means a felony involving a violent act or threat of violence.)

House Bill 6042 (H-1) would amend the Uniform Criminal Extradition Act to do all of the following:

- Require a court to revoke bail if the Governor signed an arrest warrant for extradition.
- Prohibit the release on bail of a person charged with an offense punishable in another state by imprisonment for 20 years or more or with escaping from custody or confinement.
- Provide that, if a criminal prosecution had begun in Michigan against a person charged with a crime in another state, the Act's restrictions on commitment pending extradition would not apply during the Michigan prosecution. (Under the Act, a person may be held in jail for up to 30 days pending an extradition warrant; if he or she is not arrested by the time specified in the warrant, he or she may be held for up to 60 days longer.)
- Allow a court to order that a person extradited to Michigan and convicted of a crime pay the costs of the extradition, including transportation costs and the salaries of law enforcement and prosecution personnel.
- Provide that, if a person waived extradition proceedings, the judge would have to remand the person to custody without bail.

The bills are tie-barred and would take effect on January 1, 2003.

Proposed MCL 765.6d (H.B. 6041)
MCL 780.6 et al. (H.B. 6042)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The Office of the Governor processes approximately 300 to 350 extraditions annually. The bills would have an indeterminate impact on the number of individuals on bail.

Date Completed: 9-25-02

Fiscal Analyst: Bill Bowerman