

REPRINT

SUBSTITUTE FOR

HOUSE BILL NO. 6042

(As passed the House, June 5, 2002)

(As passed the Senate, September 26, 2002)

A bill to amend 1937 PA 144, entitled
"Uniform criminal extradition act,"
by amending sections 6, 15, 16, 18, and 25 (MCL 780.6, 780.15,
780.16, 780.18, and 780.25) and by adding section 23a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. ~~Issue of governor's warrant of arrest; its~~
2 ~~recitals.~~ If the governor decides that the demand should be com-
3 plied with, he OR SHE shall sign a warrant of arrest, which shall
4 be sealed with the state seal, and be directed to any peace offi-
5 cer or other person ~~whom he may think~~ WHO THE GOVERNOR DETER-
6 MINES IS fit to entrust with the execution ~~thereof~~ OF THE
7 WARRANT. The warrant ~~must~~ SHALL substantially recite the facts
8 necessary to the validity of its issuance. IF THE PERSON WAS
9 RELEASED ON BAIL, THE COURT SHALL IMMEDIATELY REVOKE BAIL AND

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1 SHALL NOT RELEASE THE PERSON ON BAIL BUT SHALL DETAIN THE PERSON
2 SUBJECT ONLY TO HABEAS CORPUS REVIEW.

3 Sec. 15. ~~Bail; in what cases; condition of bond.~~ Unless
4 the offense with which the prisoner is charged is shown to be an
5 offense punishable by death, ~~or~~ BY life imprisonment, OR BY
6 IMPRISONMENT FOR 20 YEARS OR MORE under the laws of the state in
7 which it was committed OR IS FOR ESCAPING FROM CUSTODY OR
8 CONFINEMENT, a judge or magistrate in this state may admit the
9 person arrested to bail by bond, with sufficient sureties, and in
10 ~~such sum as he deems~~ AN AMOUNT THAT, AFTER REVIEWING THE
11 PERSON'S CRIMINAL HISTORY, THE JUDGE OR MAGISTRATE CONSIDERS
12 proper, conditioned for ~~his~~ THE PERSON'S appearance before
13 ~~him~~ THE COURT at a time specified in ~~such~~ THE bond, and for
14 ~~his~~ THE PERSON'S surrender, to be arrested upon the warrant of
15 the governor of this state.

16 Sec. 16. ~~Extension of time of commitment, adjournment.~~ If
17 the accused is not arrested under warrant of the governor by the
18 expiration of the time specified in the warrant or bond, a judge
19 or magistrate may discharge ~~him~~ THE ACCUSED or may recommit
20 ~~him~~ THE ACCUSED for ~~a further period~~ ADDITIONAL PERIODS not
21 to exceed A TOTAL EXTENSION OF 60 days, or a judge or magistrate
22 ~~judge~~ may again take bail for ~~his~~ THE ACCUSED'S appearance
23 and surrender, as provided in section 15, but within a period not
24 to exceed 60 days after the date of ~~such~~ ANY new bond.

25 Sec. 18. ~~Persons under criminal prosecution in this state~~
26 ~~at time of requisition.~~ If a criminal prosecution has been
27 instituted against ~~such~~ A person under the laws of this state

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1 and is still pending, the governor ~~, in his discretion, either~~
2 may surrender ~~him~~ THE PERSON on demand of the executive author-
3 ity of another state or hold ~~him~~ THE PERSON until he OR SHE has
4 been tried and discharged or convicted and punished in this
5 state. IF A CRIMINAL PROSECUTION HAS BEEN INSTITUTED UNDER THE
6 LAWS OF THIS STATE AGAINST A PERSON CHARGED UNDER SECTION 13, THE
7 RESTRICTIONS ON THE LENGTH OF COMMITMENT SPECIFIED IN SECTIONS 14
8 AND 16 ARE NOT APPLICABLE DURING THE PERIOD THAT THE CRIMINAL
9 PROSECUTION IS PENDING IN THIS STATE.

10 SEC. 23A. THE COURT MAY ORDER AN INDIVIDUAL WHO IS EXTRA-
11 DITED TO THIS STATE FOR COMMITTING A CRIME AND WHO IS CONVICTED
12 OF A CRIME TO PAY THE ACTUAL AND REASONABLE COSTS OF THAT EXTRA-
13 DITION, INCLUDING, BUT NOT LIMITED TO, ALL OF THE FOLLOWING:

14 (A) TRANSPORTATION COSTS.

15 (B) THE SALARIES OR WAGES OF LAW ENFORCEMENT AND PROSECUTION
16 PERSONNEL, INCLUDING OVERTIME PAY, FOR PROCESSING THE EXTRADITION
17 AND RETURNING THE INDIVIDUAL TO THIS STATE.

18 Sec. 25. ~~Written waiver of extradition proceedings.~~ Any
19 person arrested in this state charged with having committed any
20 crime in another state or alleged to have escaped from confine-
21 ment, or broken the terms of his OR HER bail, probation, or
22 parole may waive the issuance and service of the warrant provided
23 for in sections 6 and 7 and all other procedure incidental to
24 extradition proceedings, by executing or subscribing in the pres-
25 ence of a judge of any court of record within this state a writ-
26 ing ~~which~~ THAT states that he OR SHE consents to return to the
27 demanding state. ~~:- Provided, however, That~~ HOWEVER, before

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1 ~~such~~ THE waiver ~~shall be~~ IS executed or subscribed by ~~such~~
2 THE person, ~~it shall be the duty of such~~ THE judge ~~to~~ SHALL
3 inform ~~such~~ THE person of his OR HER rights to the issuance and
4 service of a warrant of extradition and to obtain a writ of
5 habeas corpus as provided for in section 9.

6 ~~If and when such~~ WHEN A PERSON'S consent has been duly
7 executed, it shall ~~forthwith~~ PROMPTLY be forwarded to AND FILED
8 IN the office of the governor of this state. ~~and filed therein.~~
9 The judge shall direct the officer having ~~such~~ THE person in
10 custody to PROMPTLY deliver ~~forthwith such~~ THE person to the
11 ~~duly~~ accredited agent or agents of the demanding state, and
12 shall deliver or cause to be delivered to ~~such~~ THAT agent or
13 agents a copy of ~~such~~ THE PERSON'S consent.

14 IF A WAIVER IS EXECUTED, THE JUDGE SHALL REMAND THE PERSON
15 TO CUSTODY WITHOUT BAIL. THE ORDER SHALL DIRECT THE OFFICER
16 HAVING THE PERSON IN CUSTODY TO DELIVER THE PERSON TO THE DULY
17 AUTHORIZED AGENT OF THE DEMANDING STATE TOGETHER WITH A COPY OF
18 THE ORDER AND THE WAIVER.

19 Enacting section 1. This amendatory act takes effect
20 January 1, 2003.

21 Enacting section 2. This amendatory act does not take
22 effect unless House Bill No. 6041 of the 91st Legislature is
23 enacted into law.