

HOUSE BILL No. 5276

October 17, 2001, Introduced by Reps. Richardville, Woronchak, Kuipers, Vander Veen, Birkholz, Allen, Meyer, Middaugh, Cassis, Jelinek, Pumford, Shackleton, Newell, Scranton, Patterson, Gilbert, Toy, Sanborn and DeVuyst and referred to the Committee on Criminal Justice.

A bill to amend 1961 PA 44, entitled

"An act to provide for the release of misdemeanor prisoners by giving bond to the arresting officer in certain circumstances not inconsistent with public safety; and to repeal certain acts and parts of acts,"

by amending section 2a (MCL 780.582a), as added by 1990 PA 308.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2a. A person shall not be released on an interim bond
2 as provided in section 1 or on his or her own recognizance as
3 provided in section 3a, but shall be held until he or she can be
4 brought before a magistrate for arraignment as required under
5 section 1 or 2 or, if a magistrate is not available or immediate
6 trial cannot be held within 24 hours, the person shall be held
7 for 20 hours, after which the person may be released on an
8 interim bond as provided in section 1 or on his or her own

1 recognizance as provided in section 3a, if either of the
2 following applies:

3 (a) The person is arrested without a warrant under
4 section 15a of chapter IV of the code of criminal procedure, ~~Act~~
5 ~~No. 175 of the Public Acts of 1927, being section 764.15a of the~~
6 ~~Michigan Compiled Laws~~ 1927 PA 175, MCL 764.15A, or a city, vil-
7 lage, or township ordinance substantially corresponding to that
8 section.

9 (b) The person is arrested with a warrant for a violation of
10 section 81 or 81a of the Michigan penal code, ~~Act No. 328 of the~~
11 ~~Public Acts of 1931, being sections 750.81 and 750.81a of the~~
12 ~~Michigan Compiled Laws~~ 1931 PA 328, MCL 750.81 AND 750.81A, or a
13 city, village, or township ordinance substantially corresponding
14 to ~~section 81 or 81a of Act No. 328 of the Public Acts of 1931~~
15 THOSE SECTIONS, and the person is a spouse ~~, a~~ OR former spouse
16 OF THE VICTIM OF THE VIOLATION, HAS OR HAS HAD A DATING RELATION-
17 SHIP WITH THE VICTIM OF THE VIOLATION, HAS A CHILD IN COMMON WITH
18 THE VICTIM OF THE VIOLATION, or IS a person who resides or has
19 resided in the same household as the victim of the violation. AS
20 USED IN THIS SECTION, "DATING RELATIONSHIP" MEANS THAT TERM AS
21 DEFINED IN SECTION 2950 OF THE REVISED JUDICATURE ACT OF 1961,
22 1961 PA 236, MCL 600.2950.