

# HOUSE BILL No. 6042

May 9, 2002, Introduced by Reps. Cameron Brown, Richardville, Birkholz, Vear, Van Woerkom, Voorhees, Patterson, Richner, Meyer, Pappageorge, Julian, Middaugh, Faunce and Lemmons and referred to the Committee on Criminal Justice.

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

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

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 THAT CRIME TO PAY THE ACTUAL AND REASONABLE COSTS OF THAT  
13 EXTRADITION, INCLUDING, BUT NOT LIMITED TO, ALL OF THE  
14 FOLLOWING:

15 (A) TRANSPORTATION COSTS.

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

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

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

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

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