

SENATE BILL No. 1363

May 29, 2002, Introduced by Senators MC COTTER and HOFFMAN and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 4 of chapter IV (MCL 764.4), as amended by
1980 PA 506.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER IV

Sec. 4. (1) If a person is arrested pursuant to a warrant
~~which charges an offense other than an offense for which bail~~
~~may be denied, if the arrest is made~~ in a county other than that
in which the offense is charged to have been committed, ~~and if~~
~~the person arrested requests that he or she be brought before a~~
~~magistrate of the judicial district in which the arrest was~~
~~made,~~ THE ARRESTING LAW ENFORCEMENT AGENCY SHALL NOTIFY THE
APPROPRIATE LAW ENFORCEMENT AGENCY SO THAT AGENCY CAN PICK UP AND
TRANSPORT THE ARRESTED PERSON TO THE COURT THAT ISSUED THE

1 WARRANT FOR ARRAIGNMENT. THE LAW ENFORCEMENT AGENCY THAT
2 OBTAINED THE WARRANT OR, IN CASES OF BENCH WARRANTS, A LAW
3 ENFORCEMENT AGENCY FROM THE UNIT OF GOVERNMENT REPRESENTED BY THE
4 COURT THAT ISSUED THE BENCH WARRANT SHALL TRANSPORT THE ARRESTED
5 PERSON. TRANSPORT SHALL OCCUR AS SOON AS REASONABLY POSSIBLE.
6 IF TRANSPORT WILL NOT OCCUR WITHIN 24 HOURS OF ARREST, the person
7 arrested shall be taken before a magistrate ~~of that judicial~~
8 ~~district and shall be dealt with as provided in sections 5, 6,~~
9 ~~and 7 of this chapter~~ IN THE COUNTY OF ARREST FOR THE PURPOSE OF
10 SETTING OR DENYING BAIL.

11 (2) IF THE PERSON IS ARRESTED ON A MISDEMEANOR WARRANT, OR
12 ON A BENCH WARRANT ISSUED IN A MISDEMEANOR OR CIVIL CASE, THE
13 COURT IN THE COUNTY OF ARREST SHALL REQUIRE A CASH BAIL IN AN
14 AMOUNT EQUAL TO THE MAXIMUM FINE FOR THE CHARGED OFFENSE OR
15 \$500.00, WHICHEVER IS LESS, TO SECURE THE PERSON'S APPEARANCE IN
16 THE COURT THAT ISSUED THE WARRANT. THE COURT MAY ALSO IMPOSE ANY
17 OTHER BAIL CONDITIONS ALLOWED BY LAW. THE PERSON'S FAILURE TO
18 APPEAR IN THE COURT THAT ISSUED THE WARRANT SHALL RESULT IN FOR-
19 FEITURE OF THE CASH BAIL TO THIS STATE FOR DEPOSIT IN THE FUGI-
20 TIVE TRANSPORT ASSESSMENT FUND CREATED UNDER SECTION 4A OF THIS
21 CHAPTER. IF THE PERSON CANNOT POST THE CASH BAIL, HE OR SHE
22 SHALL BE RETAINED IN THE COUNTY JAIL UNTIL THE EARLIEST OF THE
23 FOLLOWING EVENTS OCCURS:

24 (A) THE PASSAGE OF 10 DAYS.

25 (B) THE PERSON IS PICKED UP FOR TRANSPORT BY THE APPROPRIATE
26 LAW ENFORCEMENT AGENCY.

1 (C) THE PERSON MEETS THE BAIL CONDITIONS SET BY THE COURT
2 THAT ISSUED THE WARRANT.

3 (3) IF THE PERSON IS ARRESTED ON A FELONY WARRANT, OR ON A
4 BENCH WARRANT ISSUED IN A FELONY CASE, THE COURT IN THE COUNTY OF
5 ARREST SHALL DENY BAIL AND THE PERSON SHALL BE RETAINED IN THE
6 COUNTY JAIL UNTIL PICKED UP FOR TRANSPORT BY THE APPROPRIATE LAW
7 ENFORCEMENT AGENCY, OR UNTIL HE OR SHE MEETS ALL BAIL CONDITIONS
8 SET BY THE COURT THAT ISSUED THE WARRANT, WHICHEVER OCCURS
9 FIRST.

10 (4) THE COURT CLERK IN THE COUNTY OF ARREST SHALL NOTIFY THE
11 COURT THAT ISSUED THE WARRANT OF ANY BAIL DECISION MADE REGARDING
12 THE ARRESTED PERSON AND ANY INSTRUCTIONS GIVEN TO THE ARRESTED
13 PERSON TO APPEAR IN THE COURT THAT ISSUED THE WARRANT. IF BAIL
14 HAS BEEN DENIED, THE COURT THAT ISSUED THE WARRANT SHALL DETER-
15 MINE WHETHER THE ARRESTED PERSON MAY BE RELEASED ON BAIL AND THE
16 CONDITIONS OF THAT BAIL. IF THE COURT THAT ISSUED THE WARRANT
17 SETS BAIL, THAT COURT SHALL NOTIFY THE COURT IN THE COUNTY OF
18 ARREST OF THE AMOUNT AND CONDITIONS OF BAIL. UPON POSTING BAIL
19 WITH THE COURT IN THE COUNTY OF ARREST, THE ARRESTED PERSON SHALL
20 BE RELEASED. IF THE ARRESTED PERSON FAILS TO APPEAR IN COURT AS
21 ORDERED, THE COURT THAT ISSUED THE WARRANT SHALL NOTIFY THE COURT
22 IN THE COUNTY OF ARREST, AND THAT COURT SHALL ORDER THE BAIL FOR-
23 FEITED TO THIS STATE FOR DEPOSIT IN THE FUGITIVE TRANSPORT
24 ASSESSMENT FUND CREATED UNDER SECTION 4A OF THIS CHAPTER. IF THE
25 ARRESTED PERSON APPEARS IN COURT AS ORDERED, THE COURT THAT
26 ISSUED THE WARRANT SHALL NOTIFY THE COURT IN THE COUNTY OF

1 ARREST, AND THAT COURT SHALL ORDER THE BAIL TRANSMITTED TO THE
2 COUNTY OF ARREST.

3 (5) UPON CONVICTION, IN ADDITION TO ANY PENALTY, THE COURT
4 SHALL ORDER A PERSON ARRESTED AS DESCRIBED IN THIS SECTION TO
5 REIMBURSE THE COUNTY OR COUNTIES FOR THE COST OF THE PERSON'S
6 PRETRIAL CONFINEMENT.

7 (6) ALL NOTICES REQUIRED UNDER THIS SECTION SHALL BE MADE AS
8 SOON AS REASONABLY POSSIBLE.

9 Enacting section 1. This amendatory act does not take
10 effect unless all of the following bills of the 91st Legislature
11 are enacted into law:

12 (a) Senate Bill No. 1364.

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14 (b) Senate Bill No. 1365.

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16 (c) Senate Bill No. 1366.

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