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House Bill 5372 (Substitute S-1 as reported by the Committee of the Whole)

House Bill 5373 (as reported by the Committee of the Whole)

Sponsor: Representative John Garfield (H.B. 5372)

Representative Mike Nofs (H.B. 5373)

House Committee: Judiciary

Senate Committee: Families and Human Services

CONTENT

House Bills 5372 (S-1) and 5373 would amend the Support and Parenting Time Enforcement Act and the Michigan Penal Code, respectively, to require a person to be imprisoned until his or her arraignment or preliminary examination, if he or she were arrested for the felony of nonpayment of support, unless the person deposited a cash bond. The bills are tie-barred to each other.

House Bill 5372 (S-1) would require the court, if a bench warrant had been issued for unpaid support, to require that the payer, upon being arrested on a felony warrant for the nonpayment of support, remain in custody until the preliminary examination, unless he or she deposited a cash performance bond as required by the Act. Upon notification that a payer who had an outstanding bench warrant had been arrested or arraigned on a felony warrant for nonpayment, the court could order recall of the bench warrant.

House Bill 5373 would require an individual, upon being arrested for the felony of nonpayment of support, to remain in custody until the arraignment unless he or she deposited a cash bond of at least \$500 or 25% of the arrearage, whichever was greater. If the individual remained in custody, the court would have to address the amount of the bond at the arraignment and at the preliminary exam. Except for good cause shown on the record, the court would have to order the bond to be continued at the level described above. At its discretion, the court could set the bond at up to 100% of the arrearage and add to that amount the costs that the court may require under the Support and Parenting Time Enforcement Act.

The court would have to specify that the cash bond amount be entered into the Law Enforcement Information Network. If a bench warrant under the Support and Parenting Time Enforcement Act were outstanding for an individual when he or she was arrested for felony nonsupport, the court would have to notify the court handling the civil support case that the bench warrant could be recalled.

MCL 552.631 (H.B. 5372)
750.165 (H.B. 5373)

Legislative Analyst: Julie Koval

FISCAL IMPACT

To the extent that the bills would increase the number of people held in local jails before arraignment or preliminary examination, the bills would increase local corrections costs, which vary by county.

Date Completed: 12-7-04

Fiscal Analyst: Bethany Wicksall

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.