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BILL ANALYSIS

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House Bill 5846 (Substitute H-1 as reported without amendment)
Sponsor: Representative John Stakoe
House Committee: Criminal Justice
Senate Committee: Judiciary

CONTENT

The bill would amend the Code of Criminal Procedure to eliminate a requirement that a prosecutor file a motion, before a court notifies a surety of a person's failure to appear.

The Code provides that the court clerk must enter a default on the record if default is made in any recognizance in a court of record (e.g., a defendant who has posted bail, or a person has posted a bond upon an appeal from a conviction, fails to appear in court). After that, the court, upon the motion of the Attorney General, prosecuting attorney, or the attorney for the local unit of government, must give each surety immediate notice not to exceed seven days after the date of the failure to appear. The bill would retain the requirement that the court notify each surety, but would delete the requirement that notice be given upon the motion of the Attorney General, prosecuting attorney, or attorney for the local unit.

MCL 765.28

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill potentially would decrease costs for both State and local government. By eliminating the requirement that the prosecutor file a motion before the court sends a failure-to-appear notice to the surety, the bill would provide efficiencies and related savings for the Attorney General or local prosecutor without creating any additional costs to the courts.

Fiscal Analyst: Bethany Wicksall

Date Completed: 6-30-04

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