

SUBSTITUTE FOR
SENATE BILL NO. 1382

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 26 of chapter V (MCL 765.26), as amended by
2002 PA 659.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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CHAPTER V

Sec. 26. (1) In ~~all~~**A** criminal cases ~~where~~**CASE IN WHICH** a
person has entered into any recognizance for the personal
appearance of another and ~~such bail and surety~~ afterwards desires
to be relieved from responsibility, he or she may, with or without
assistance, arrest or detain the accused and deliver him or her to
any jail or to the sheriff of any county. In making the arrest or
detainment, he or she is entitled to the assistance of any peace

1 officer.

2 (2) The sheriff or keeper of any jail is authorized to receive
3 the principal and detain him or her in jail until he or she is
4 discharged. Upon delivery of his or her principal at the jail by
5 the surety, ~~or his or her~~ **THE SURETY'S** agent, or ~~any~~ **AN** officer,
6 the surety shall be released from the conditions of his or her
7 recognizance.

8 (3) ~~Whenever~~ **IF** the prosecuting attorney of a county is
9 satisfied that a person who has been recognized to appear for trial
10 has absconded, or is about to abscond, and that his or her ~~sureties~~
11 ~~or either of them have~~ **SURETY HAS** become worthless, or ~~are~~ **IS** about
12 to dispose or have disposed of ~~their~~ **THE PERSON'S** property for the
13 purpose of evading the payment or the obligation of ~~such~~ **THE** bond
14 or recognizance or with intent to defraud ~~their~~ **HIS OR HER**
15 creditors, and ~~that~~ **IF THE** prosecuting attorney makes a
16 satisfactory showing to this effect to the court having
17 jurisdiction of that person, the court ~~or judge~~ shall promptly
18 grant a mittimus to the sheriff or any peace officer of that
19 county, commanding him or her ~~forthwith~~ to arrest the person so
20 recognized and bring him or her before the officer issuing the
21 mittimus. ~~and on~~ **ON** the return of ~~that~~ **THE** mittimus **THE COURT** may,
22 after a hearing on the merits, order ~~him or her~~ **THE PERSON** to be
23 recommitted to the county jail until ~~such time~~ as he or she gives
24 additional and satisfactory sureties, ~~or~~ is otherwise discharged.

25 (4) **IF A DEFENDANT IS CHARGED WITH A FELONY, IS RELEASED ON A**
26 **SURETY BOND PENDING TRIAL IN ANY CASE THAT IS PENDING ON OR AFTER**
27 **THE EFFECTIVE DATE OF AMENDATORY ACT THAT ADDED THIS SUBSECTION,**

1 AND IS FOUND GUILTY, BY PLEA OR AFTER TRIAL, OF A CRIME THAT IS
2 PUNISHABLE BY A MANDATORY TERM OF IMPRISONMENT OR BY LIFE
3 IMPRISONMENT, THE SURETY BOND SHALL NOT BE CONTINUED PENDING THE
4 IMPOSITION OF SENTENCE OR POSTTRIAL PROCEEDING UNLESS THE SURETY OR
5 ITS AGENT CONSENTS TO THE CONTINUATION OF THE SURETY EITHER ON THE
6 RECORD OR IN WRITING.