

Legislative Analysis



BENCH WARRANTS: ALLOW LOCAL UNITS TO DEFRAY COSTS

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House Bill 4045 as introduced
Sponsor: Rep. Joel Johnson
Committee: Judiciary
Complete to 2-29-16

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

The bill would allow a court to order a person to reimburse a local unit of government for expenses incurred in relation to execution of a bench warrant if the person were convicted.

A bench warrant is a type of arrest warrant issued by a judge (or in some circumstances, a magistrate) in a criminal or civil proceeding that allows a law enforcement officer to arrest a person who has been held in contempt of court, has failed to appear at a scheduled court appearance, or who fails to comply with a court order (for instance, conditions of probation).

House Bill 4045 would amend the Code of Criminal Procedure. If a local government incurs costs for executing a bench warrant to effectuate the arrest of a person, the bill would allow the court to order the person convicted to reimburse the governmental unit for expenses incurred in relation to that bench warrant.

(The Code currently allows a court to order a criminal defendant, as part of the sentence for a conviction of certain offenses, to reimburse a governmental unit for its expenses related to the incident: for instance, the defendant could be ordered to reimburse a city for ambulance or fire services it provided, and for the expenses incurred by the county or city for prosecuting the crime.)

MCL 769.1f

FISCAL IMPACT:

To the extent local governments are able to collect reimbursements for executing bench warrants, the bill will reduce their costs.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.