

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

600.1821 Arrest; exemptions.

Sec. 1821. (1) No officer of the senate or house of representatives is liable to arrest on civil process while in actual attendance upon the duties of his office.

(2) No female shall be imprisoned on any process in any civil action.

(3) No minor under 16 years of age shall be imprisoned on any process in any civil action.

(4) All parties, attorneys, and subpoenaed witnesses are exempt from arrest on civil process while going to, attending, and returning from the places they are required to attend.

(5) No person while he is within this state pursuant to any subpoena issued to compel his appearance in any criminal proceeding pending in this state shall be arrested or detained upon any criminal charge for any offense committed prior to his entry into this state pursuant to the subpoena.

(6) No person passing through this state while going to another state in obedience to a summons to attend and testify in a criminal proceeding in that state or while returning from that state shall be arrested, by either civil or criminal arrest, for any matter which arose before his entry into this state in obedience to that summons.

(7) No officer of any of the several courts of record, including jurors, shall be arrested on any civil process while going to, attending, or returning from any actual sitting of the court of which he is an officer. In other cases these officers are liable to arrest and may be held to bail in the same manner as other persons.

(8) Every civil arrest made contrary to the above provisions (1) through (7) is void and a contempt of court. The court or officer before whom any witness is subpoenaed to attend and every justice of the supreme court and every circuit judge has authority to discharge any person arrested contrary to those provisions (1) through (7).

(9) Every person making or procuring a civil arrest contrary to the above provisions (1) through (7) is guilty of contempt of court and is liable to the person arrested in double the amount of damages which a jury finds that he has sustained and also is liable in an action at the suit of any injured person for the loss, hindrance, and damage the injured person has sustained in consequence of the arrest. The officer or person causing the arrest shall not be guilty of contempt nor liable for damages if the person exempt from arrest has failed to mention that he is exempt or, after mentioning that he is exempt, refused the officer's request to sign an affidavit swearing that at the time of his arrest he was either:

(a) an officer of the senate or house of representatives in actual attendance upon the duties of his office, or

(b) a female, or

(c) a minor under 16 years of age, or

(d) a party, attorney, or subpoenaed witness going to, attending, or returning from a place he was required to attend, or

(e) a person who was passing through this state while going to or returning from another state to which he had been summoned to attend and testify in a criminal prosecution, or

(f) an officer of a court of record going to, attending, or returning from an actual sitting of the court.

Any civil arrest made contrary to the above provisions (1) through (7) is void.

History: 1961, Act 236, Eff. Jan. 1, 1963.