

THE CODE OF CRIMINAL PROCEDURE (EXCERPT)
Act 175 of 1927

764.9e Failure to appear; rebuttable presumption; articulable reasons to overcome presumption.

Sec. 9e. (1) If after the service of an appearance ticket and the filing of a complaint for the offense designated on the appearance ticket the defendant does not appear in the designated local criminal court within the time the appearance ticket is returnable, the court may issue a summons or a warrant as provided in this section.

(2) Notwithstanding any provision of law to the contrary, in the event that a defendant fails to appear for a court hearing within the time the appearance ticket is returnable there is a rebuttable presumption that the court must issue an order to show cause why the defendant failed to appear instead of issuing a warrant.

(3) The court may overcome the presumption and issue a warrant if it has a specific articulable reason to suspect that any of the following apply:

(a) The defendant committed a new crime.

(b) The defendant's failure to appear is the result of a willful intent to avoid or delay the adjudication of the case.

(c) Another person or property will be endangered if a warrant is not issued.

(4) If the court overcomes the presumption under subsection (2) and issues a warrant, the court must state on the record its reasons for doing so.

History: Add. 1968, Act 147, Eff. Nov. 15, 1968;—Am. 2020, Act 394, Eff. Apr. 1, 2021.