

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

765.26 Release of surety; arrest or detention of accused; mittimus.

Sec. 26. (1) In all criminal cases where 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 officer.

(2) The sheriff or keeper of any jail is authorized to receive the principal and detain him or her in jail until he or she is discharged. Upon delivery of his or her principal at the jail by the surety or his or her agent or any officer, the surety shall be released from the conditions of his or her recognizance.

(3) Whenever the prosecuting attorney of a county is satisfied that a person who has been recognized to appear for trial has absconded, or is about to abscond, and that his or her sureties or either of them have become worthless, or are about to dispose or have disposed of their property for the purpose of evading the payment or the obligation of such bond or recognizance or with intent to defraud their creditors, and that prosecuting attorney makes a satisfactory showing to this effect to the court having jurisdiction of that person, the court or judge shall promptly grant a mittimus to the sheriff or any peace officer of that county, commanding him or her forthwith to arrest the person so recognized and bring him or her before the officer issuing the mittimus and on the return of that mittimus may, after a hearing on the merits, order him or her to be recommitted to the county jail until such time as he or she gives additional and satisfactory sureties, or is otherwise discharged.

History: 1927, Act 175, Eff. Sept. 5, 1927;—CL 1929, 17188;—CL 1948, 765.26;—Am. 2002, Act 659, Eff. Apr. 1, 2003.

Former law: See Act 98 of 1840, being CL 1857, § 6009; CL 1871, § 7877; How., § 9488; CL 1897, § 11872; CL 1915, § 15699; and Act 82 of 1877.