

RELEASE OF MISDEMEANOR PRISONERS (EXCERPT)
Act 44 of 1961

780.581 Taking person arrested without warrant for misdemeanor or violation of ordinance before magistrate; bond; receipt; holding certain arrested persons in holding cell, holding center, lockup, or county jail; "political subdivision" defined.

Sec. 1. (1) If a person is arrested without a warrant for a misdemeanor or a violation of a city, village, or township ordinance, and the misdemeanor or violation is punishable by imprisonment for not more than 1 year, or by a fine, or both, the officer making the arrest shall take, without unnecessary delay, the person arrested before the most convenient magistrate of the county in which the offense was committed to answer to the complaint.

(2) Except as otherwise provided in section 2a, if a magistrate is not available or immediate trial cannot be had, the person arrested may deposit with the arresting officer or the direct supervisor of the arresting officer or department, or with the sheriff or a deputy in charge of the county jail if the person arrested is lodged in the county jail, an interim bond to guarantee his or her appearance. The bond shall be a sum of money, as determined by the officer who accepts the bond, not to exceed the amount of the maximum possible fine but not less than 20% of the amount of the minimum possible fine that may be imposed for the offense for which the person was arrested. The person shall be given a receipt as provided in section 3.

(3) If, in the opinion of the arresting officer or department, the arrested person is under the influence of intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance, is wanted by police authorities to answer to another charge, is unable to establish or demonstrate his or her identity, or it is otherwise unsafe to release him or her, the arrested person shall be held at the place specified in subsection (4) until he or she is in a proper condition to be released, or until the next session of court.

(4) For purposes of subsection (3), if the person is arrested in a political subdivision that has a holding cell, holding center, or lockup, the person shall be held in that holding cell, holding center, or lockup. However, if that holding facility is at capacity then the person may be held in a holding cell, holding center, or lockup willing to accept the prisoner. If the person is arrested in a political subdivision that does not have a holding cell, holding center, or lockup, the person shall be held in a holding cell, holding center, or lockup willing to accept the prisoner or in the county jail. As used in this subsection, "political subdivision" means a city, village, or township.

History: 1961, Act 44, Imd. Eff. May 20, 1961;—Am. 1970, Act 157, Eff. Apr. 1, 1971;—Am. 1983, Act 61, Eff. Mar. 29, 1984;—Am. 1985, Act 149, Imd. Eff. Nov. 12, 1985;—Am. 1990, Act 308, Eff. Mar. 28, 1991.