

Act No. 52
Public Acts of 1993
Approved by the Governor
May 30, 1993
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June 01, 1993

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1993**

Introduced by Senators Van Regenmorter and Schwarz

ENROLLED SENATE BILL No. 135

AN ACT to amend chapter IV of Act No. 175 of the Public Acts of 1927, entitled as amended "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," as amended, being sections 764.1 to 764.29 of the Michigan Compiled Laws, by adding section 15e.

The People of the State of Michigan enact:

Section 1. Chapter IV of Act No. 175 of the Public Acts of 1927, as amended, being sections 764.1 to 764.29 of the Michigan Compiled Laws, is amended by adding section 15e to read as follows:

CHAPTER IV

Sec. 15e. (1) A peace officer, without a warrant, may arrest and take into custody a defendant who the peace officer has reasonable cause to believe is violating or has violated a condition of release imposed under section 6b of chapter V.

- (2) If a peace officer arrests a defendant under subsection (1), the peace officer shall do all of the following:
- (a) Prepare a complaint of violation of conditional release substantially in the following format:

COMPLAINT OF VIOLATION OF CONDITIONAL RELEASE

I _____ am a peace officer. I have determined by:
(name)

____ L.E.I.N. and verification with the police agency holding the order

____ Certified or true copy of order

____ Other (Describe) _____

That _____ released _____ subject to the following conditions:
(court) (name of defendant)

(state or attach a statement of relevant conditions)

I have reasonable cause to believe that on _____ at _____ the defendant violated those conditions as follows:
(date) (time)

(state violations)

(signature)

(date)

(b) If the arrest occurred within the judicial district of the court that imposed the conditions of release, the peace officer shall immediately provide 1 copy of the complaint to the defendant, the original and 1 copy of the complaint to that court, and 1 copy of the complaint to the prosecuting attorney for the case in which the conditional release was granted. The law enforcement agency shall retain 1 copy of the complaint.

(c) If the arrest occurred outside the judicial district of the court that imposed the conditions of release, the peace officer shall immediately provide 1 copy of the complaint to the defendant, and the original and 1 copy of the complaint to the district court or municipal court in the judicial district in which the violation occurred. The law enforcement agency shall retain 1 copy of the complaint.

(d) If the arrest occurred within the judicial district of the court that released the defendant subject to conditions, bring the defendant before that court within 1 business day following the defendant's arrest to answer the charge of violating the conditions of release.

(e) If the arrest occurred outside the judicial district of the court that released the defendant subject to conditions, bring the defendant before the district court or municipal court in the judicial district in which the violation occurred within 1 business day following the arrest. The court shall determine conditions of release and promptly transfer the case to the court that released the defendant subject to conditions. The court to which the case is transferred shall notify the prosecuting attorney, in writing, of the alleged violation.

(3) If, in the opinion of the arresting police agency or officer in charge of the jail, it is safe to release the defendant before the defendant is brought before the court pursuant to subsection (2), the arresting police agency or officer in charge of the jail may release the defendant on interim bond of not more than \$500.00 requiring the defendant to appear at the opening of court the next business day. If the defendant is held for more than 24 hours without being brought before the court pursuant to subsection (2), the officer in charge of the jail shall note in the jail records the reason it was not safe to release the defendant on interim bond pursuant to this subsection.

(4) The court shall give priority to cases brought under this section in which the defendant is in custody or in which the defendant's release would present an unusual risk to the safety of any person.

(5) The hearing and revocation procedures for cases brought under this section shall be governed by the Michigan rules of court.

Section 2. This amendatory act shall not take effect unless Senate Bill No. 136 of the 87th Legislature is enacted into law.

Section 3. This amendatory act shall take effect July 1, 1993.

This act is ordered to take immediate effect.

Secretary of the Senate.

Co-Clerk of the House of Representatives.

Approved -----

Governor.