



SENATE BILL No. 135

January 13, 1993, Introduced by Senators VAN REGENMORTER
and SCHWARZ and referred to the Committee on Judiciary.

A bill to amend chapter IV of Act No. 175 of the Public Acts
of 1927, entitled as amended

"The code of criminal procedure,"

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:

1 Section 1. Chapter IV of Act No. 175 of the Public Acts of
2 1927, as amended, being sections 764.1 to 764.29 of the Michigan
3 Compiled Laws, is amended by adding section 15e to read as
4 follows:

CHAPTER IV

5
6 SEC. 15E. (1) A PEACE OFFICER, WITHOUT A WARRANT, MAY
7 ARREST AND TAKE INTO CUSTODY A DEFENDANT WHO THE PEACE OFFICER
8 HAS REASONABLE CAUSE TO BELIEVE IS VIOLATING OR HAS VIOLATED A
9 CONDITION OF RELEASE IMPOSED UNDER SECTION 6B OF CHAPTER V.

1 (2) IF A PEACE OFFICER ARRESTS A DEFENDANT UNDER SUBSECTION
2 (1), THE PEACE OFFICER SHALL DO ALL OF THE FOLLOWING:

3 (A) PREPARE A COMPLAINT OF VIOLATION OF CONDITIONAL RELEASE
4 SUBSTANTIALLY IN THE FOLLOWING FORMAT:

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10 COMPLAINT OF VIOLATION OF CONDITIONAL RELEASE

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14 I _____ AM A PEACE OFFICER. I HAVE DETERMINED
15 (NAME)

16 BY:

17 _____ L.E.I.N. AND VERIFICATION WITH THE POLICE AGENCY HOLDING

18 THE ORDER

19 _____ CERTIFIED OR TRUE COPY OF ORDER

20 _____ OTHER (DESCRIBE) _____

21 THAT _____ RELEASED _____
22 (COURT) (NAME OF DEFENDANT)

1 SUBJECT TO THE FOLLOWING CONDITIONS: (STATE OR ATTACH A STATEMENT
2 OF RELEVANT CONDITIONS)
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13 I HAVE REASONABLE CAUSE TO BELIEVE THAT ON _____
14 (DATE)

15 AT _____ THE DEFENDANT VIOLATED THOSE CONDITIONS AS FOLLOWS:
16 (TIME)

17 (STATE VIOLATIONS)
18
19
20
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26 _____
27 (SIGNATURE)

28 _____
29 (DATE)

30 (B) IF THE ARREST OCCURRED WITHIN THE JURISDICTION OF THE
31 COURT THAT IMPOSED THE CONDITIONS OF RELEASE, THE PEACE OFFICER
32 SHALL IMMEDIATELY PROVIDE 1 COPY OF THE COMPLAINT TO THE
33 DEFENDANT, THE ORIGINAL AND 1 COPY OF THE COMPLAINT TO THAT
34 COURT, AND 1 COPY OF THE COMPLAINT TO THE PROSECUTING ATTORNEY

1 FOR THE CASE IN WHICH THE CONDITIONAL RELEASE WAS GRANTED. THE
2 LAW ENFORCEMENT AGENCY SHALL RETAIN 1 COPY OF THE COMPLAINT.

3 (C) IF THE ARREST OCCURRED OUTSIDE THE JURISDICTION OF THE
4 COURT THAT IMPOSED THE CONDITIONS OF RELEASE, THE PEACE OFFICER
5 SHALL IMMEDIATELY PROVIDE 1 COPY OF THE COMPLAINT TO THE
6 DEFENDANT, AND THE ORIGINAL AND 1 COPY OF THE COMPLAINT TO THE
7 DISTRICT COURT OR MUNICIPAL COURT HAVING JURISDICTION OVER THE
8 VIOLATION. THE LAW ENFORCEMENT AGENCY SHALL RETAIN 1 COPY OF THE
9 COMPLAINT.

10 (D) IF THE ARREST OCCURRED WITHIN THE JURISDICTION OF THE
11 COURT THAT RELEASED THE DEFENDANT SUBJECT TO CONDITIONS, BRING
12 THE DEFENDANT BEFORE THAT COURT WITHIN 1 BUSINESS DAY FOLLOWING
13 THE DEFENDANT'S ARREST TO ANSWER THE CHARGE OF VIOLATING THE CON-
14 DITIONS OF RELEASE.

15 (E) IF THE ARREST OCCURRED OUTSIDE THE JURISDICTION OF THE
16 COURT THAT RELEASED THE DEFENDANT SUBJECT TO CONDITIONS, BRING
17 THE DEFENDANT BEFORE THE DISTRICT OR MUNICIPAL COURT HAVING
18 JURISDICTION OVER THE VIOLATION WITHIN 1 BUSINESS DAY FOLLOWING
19 THE ARREST. THE COURT SHALL DETERMINE CONDITIONS OF RELEASE AND
20 PROMPTLY TRANSFER THE CASE TO THE COURT THAT RELEASED THE
21 DEFENDANT SUBJECT TO CONDITIONS. THE COURT TO WHICH THE CASE IS
22 TRANSFERRED SHALL NOTIFY THE PROSECUTING ATTORNEY, IN WRITING, OF
23 THE ALLEGED VIOLATION.

24 (3) IF, IN THE OPINION OF THE ARRESTING POLICE AGENCY OR
25 OFFICER IN CHARGE OF THE JAIL, IT IS SAFE TO RELEASE THE
26 DEFENDANT BEFORE THE DEFENDANT IS BROUGHT BEFORE THE COURT
27 PURSUANT TO SUBSECTION (2)*, THE ARRESTING POLICE AGENCY OR

1 OFFICER IN CHARGE OF THE JAIL MAY RELEASE THE DEFENDANT ON
2 INTERIM BOND OF NOT MORE THAN \$500.00 REQUIRING THE DEFENDANT TO
3 APPEAR AT THE OPENING OF COURT THE NEXT BUSINESS DAY. IF THE
4 DEFENDANT IS HELD FOR MORE THAN 24 HOURS WITHOUT BEING BROUGHT
5 BEFORE THE COURT PURSUANT TO SUBSECTION (2), THE OFFICER IN
6 CHARGE OF THE JAIL SHALL NOTE IN THE JAIL RECORDS THE REASON IT
7 WAS NOT SAFE TO RELEASE THE DEFENDANT ON INTERIM BOND PURSUANT TO
8 THIS SUBSECTION.

9 (4) THE COURT SHALL GIVE PRIORITY TO CASES BROUGHT UNDER
10 THIS SECTION IN WHICH THE DEFENDANT IS IN CUSTODY OR IN WHICH THE
11 DEFENDANT'S RELEASE WOULD PRESENT AN UNUSUAL RISK TO THE SAFETY
12 OF ANY PERSON.

13 (5) THE HEARING AND REVOCATION PROCEDURES FOR CASES BROUGHT
14 UNDER THIS SECTION SHALL BE GOVERNED BY THE MICHIGAN RULES OF
15 COURT.

16 Section 2. This amendatory act shall not take effect unless
17 Senate Bill No. 136

18 of the 87th Legislature is enacted into law.