



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 381 (Substitute S-2 as reported)
Sponsor: Senator Rick Jones
Committee: Judiciary

CONTENT

The bill would amend the Code of Criminal Procedure to allow the court to send a required notice of a person's failure to appear by electronic mail to the surety's electronic mail address or first-class mail to a surety's last known business address.

The Code requires a court clerk to enter a default on the record if the default is made in any recognizance in a court of record (e.g., a defendant who has posted bail later fails to appear in court). After the default is entered, the court must give each surety (a person who pledges money to guarantee the appearance of the defendant in court) immediate notice not to exceed seven days after the date of the failure to appear. The bill instead provides that if a defendant failed to appear, within seven days after the date of the failure to appear, the court would have to serve each surety notice of the failure to appear.

Currently, the notice must be served on each surety in person or left at the surety's last known business address. Under the bill, the notice would have to be served in person, left at the surety's last known business address, electronically mailed to an electronic mail address provided to the court by the surety, or mailed by first-class mail to the surety's last known business address. If the notice were served by first-class mail, it would have to be mailed separately from the notice of intent to enter judgment.

MCL 765.28

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill would have no fiscal impact on the State and could have a small positive fiscal impact on local government. The changes in the bill would allow a court to serve notice of default by email or first class mail instead of serving the notice in person or leaving it at the surety's last known business address. This change could result in lower administrative costs to local courts.

Date Completed: 6-1-17

Fiscal Analyst: Ryan Bergan