

# HOUSE BILL No. 4355

March 13, 2019, Introduced by Reps. Neeley, Rabhi, Haadsma, LaFave, Howell, Garrett, Yancey, Peterson, Brann, Steven Johnson, VanSingel, Kennedy, Brenda Carter, Garza, Tyrone Carter, Lasinski, Pohutsky, Sabo, Sowerby, Hoadley, Hertel and LaGrand and referred to the Committee on Judiciary.

A bill to amend 1961 PA 44, entitled

"An act to provide for the release of misdemeanor prisoners by giving bond to the arresting officer in certain circumstances not inconsistent with public safety; and to repeal certain acts and parts of acts,"

by amending section 1 (MCL 780.581), as amended by 1990 PA 308.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. (1) ~~If~~ **EXCEPT IN A CASE IN WHICH AN APPEARANCE TICKET**  
2 **IS ISSUED UNDER SECTION 9C OF CHAPTER IV OF THE CODE OF CRIMINAL**  
3 **PROCEDURE, 1927 PA 175, MCL 764.9C, IF** a person is arrested without  
4 a warrant for a misdemeanor or a violation of a city, village, or  
5 township ordinance, and the misdemeanor or violation is punishable  
6 by imprisonment for not more than 1 year, or by a fine, or both,  
7 the officer making the arrest shall take, without unnecessary  
8 delay, the person arrested before the most convenient magistrate of  
9 the county in which the offense was committed ~~to answer to the~~

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1 ~~complaint.~~ **FOR AN ARRAIGNMENT.**

2           (2) Except as otherwise provided in **THIS SUBSECTION AND**  
3 section 2a, if a magistrate is not available or immediate trial  
4 cannot be had **IN A TIMELY MANNER**, the person arrested may deposit  
5 with the arresting officer or the direct supervisor of the  
6 arresting officer or department, or with the sheriff or a deputy in  
7 charge of the county jail if the person arrested is lodged in the  
8 county jail, an interim bond to guarantee his or her appearance.  
9 The bond ~~shall~~ **MUST** be a sum of money, as determined by the officer  
10 who accepts the bond, not to exceed **50% OF** the amount of the  
11 maximum possible fine ~~but not less than 20% of the amount of the~~  
12 ~~minimum possible fine~~ that may be imposed for the offense for which  
13 the person was arrested. The person ~~shall~~ **MUST** be given a receipt  
14 as provided in section 3. **INSTEAD OF REQUIRING AN INTERIM BOND THE**  
15 **PERSON MAY BE RELEASED ON HIS OR HER OWN RECOGNIZANCE. IF THE**  
16 **PERSON IS RELEASED ON HIS OR HER OWN RECOGNIZANCE UNDER THIS**  
17 **SECTION HE OR SHE MUST BE GIVEN A RECEIPT AS PROVIDED IN SECTION 3.**

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

27           (4) For purposes of subsection (3), if the person is arrested

1 in a political subdivision that has a holding cell, holding center,  
2 or lockup, the person ~~shall~~**MUST** be held in that holding cell,  
3 holding center, or lockup. However, if that holding facility is at  
4 capacity then the person may be held in a holding cell, holding  
5 center, or lockup willing to accept the prisoner. If the person is  
6 arrested in a political subdivision that does not have a holding  
7 cell, holding center, or lockup, the person ~~shall~~**MUST** be held in a  
8 holding cell, holding center, or lockup willing to accept the  
9 prisoner or in the county jail. As used in this subsection,  
10 "political subdivision" means a city, village, or township.

11 Enacting section 1. This amendatory act takes effect 90 days  
12 after the date it is enacted into law.

13 Enacting section 2. This amendatory act does not take effect  
14 unless Senate Bill No. \_\_\_\_ or House Bill No. 4356 (request no.  
15 00774'19 a) of the 100th Legislature is enacted into law.