

HOUSE BILL No. 5658

March 11, 1998, Introduced by Reps. Curtis, Nye, Scranton, Baird, Richner, Dobb, Cropsey, Rocca, Gilmer, McBryde, Jansen, Frank, Law, Horton, Godchaux, Wetters, Dalman, Murphy, Scott, Johnson, Middleton, Galloway, Bodem, Geiger, Llewellyn, Oxender, Walberg, Banks, Birkholz, Crissman, Cassis, Jellema, Bobier and Voorhees and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending sections 15, 15a, 15b, 15c, and 15e of chapter IV
(MCL 764.15, 764.15a, 764.15b, 764.15c, and 764.15e), section 15
as amended by 1996 PA 490, section 15a as amended by 1996 PA 138,
sections 15b and 15c as amended by 1996 PA 15, and section 15e as
amended by 1993 PA 52.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER IV

Sec. 15. (1) A peace officer, without a warrant, may arrest
a person in any of the following situations:

(a) A felony, misdemeanor, or ordinance violation is committed in the peace officer's presence.

(b) The person has committed a felony although not in the
peace officer's presence.

1 (c) A felony in fact has been committed and the peace
2 officer has reasonable cause to believe the person committed it.

3 (d) The peace officer has reasonable cause to believe a
4 felony has been committed and reasonable cause to believe the
5 person committed it.

6 (e) The peace officer has received positive information by
7 written, telegraphic, teletypic, telephonic, radio, ELECTRONIC,
8 or other authoritative source that another peace officer OR A
9 COURT holds a warrant for the person's arrest.

10 (f) The peace officer has received positive information
11 broadcast from a recognized police or other governmental radio
12 station, or teletype, that affords the peace officer reasonable
13 cause to believe a felony has been committed and reasonable cause
14 to believe the person committed it.

15 (g) The peace officer has reasonable cause to believe the
16 person is an escaped convict, has violated a condition of parole
17 from a prison, has violated a condition of probation imposed by a
18 court, or has violated a condition of a pardon granted by the
19 executive.

20 (h) The peace officer has reasonable cause to believe the
21 person was, at the time of an accident in this state, the opera-
22 tor of a vehicle involved in the accident and was operating the
23 vehicle in violation of section 625(1), (3), or (6) or section
24 625m of the Michigan vehicle code, ~~Act No. 300 of the Public~~
25 ~~Acts of 1949, being sections 257.625 and 257.625m of the Michigan~~
26 ~~Compiled Laws~~ 1949 PA 300, MCL 257.625 AND 257.625M, or a local
27 ordinance substantially corresponding to section 625(1), (3), or

1 (6) or section 625m of ~~Act No. 300 of the Public Acts of 1949~~
2 THAT ACT.

3 (i) The person is found in the driver's seat of a vehicle
4 parked or stopped on a highway or street within this state if any
5 part of the vehicle intrudes into the roadway and the peace offi-
6 cer has reasonable cause to believe the person was operating the
7 vehicle in violation of section 625(1), (3), or (6) or
8 section 625m of ~~Act No. 300 of the Public Acts of 1949~~ THE
9 MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.625 AND 257.625M, or
10 a local ordinance substantially corresponding to section 625(1),
11 (3), or (6) or section 625m of ~~Act No. 300 of the Public Acts of~~
12 ~~1949~~ THAT ACT.

13 (j) The peace officer has reasonable cause to believe the
14 person was, at the time of an accident, the operator of a snowmo-
15 bile involved in the accident and was operating the snowmobile in
16 violation of section 82127(1) or (3) of part 821 (snowmobiles) of
17 the natural resources and environmental protection act, ~~Act~~
18 ~~No. 451 of the Public Acts of 1994, being section 324.82127 of~~
19 ~~the Michigan Compiled Laws~~ 1994 PA 451, MCL 324.82127, or a
20 local ordinance substantially corresponding to section 82127(1)
21 or (3) of ~~Act No. 451 of the Public Acts of 1994~~ THAT ACT.

22 (k) The peace officer has reasonable cause to believe the
23 person was, at the time of an accident, the operator of an ORV
24 involved in the accident and was operating the ORV in violation
25 of section 81134(1) or (2) or 81135 of part 811 (off-road recre-
26 ation vehicles) of ~~Act No. 451 of the Public Acts of 1994, being~~
27 ~~sections 324.81134 and 324.81135 of the Michigan Compiled Laws~~

1 THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA
2 451, MCL 324.81134 AND 324.81135, or a local ordinance substan-
3 tially corresponding to section 81134(1) or (2) or 81135 of ~~Act~~
4 ~~No. 451 of the Public Acts of 1994~~ THAT ACT.

5 (1) The peace officer has reasonable cause to believe the
6 person was, at the time of an accident, the operator of a vessel
7 involved in the accident and was operating the vessel in viola-
8 tion of section 80176(1) or (3) of part 801 (marine safety) of
9 ~~Act No. 451 of the Public Acts of 1994, being section 324.80176~~
10 ~~of the Michigan Compiled Laws~~ THE NATURAL RESOURCES AND ENVIRON-
11 MENTAL PROTECTION ACT, 1994 PA 451, MCL 324.80176, or a local
12 ordinance substantially corresponding to section 80176(1) or (3)
13 of ~~Act No. 451 of the Public Acts of 1994~~ THAT ACT.

14 (m) The peace officer has reasonable cause to believe a vio-
15 lation of section 356c or 356d of the Michigan penal code, ~~Act~~
16 ~~No. 328 of the Public Acts of 1931, being sections 750.356c and~~
17 ~~750.356d of the Michigan Compiled Laws~~ 1931 PA 328, MCL 750.356C
18 AND 750.356D, has taken place or is taking place and reasonable
19 cause to believe the person committed or is committing the viola-
20 tion, regardless of whether the violation was committed in the
21 peace officer's presence.

22 (2) An officer in the United States customs service or the
23 immigration and naturalization service, without a warrant, may
24 arrest a person if all of the following circumstances exist:

25 (a) The officer is on duty.

26 (b) One or more of the following situations exist:

1 (i) The person commits an assault or an assault and battery
2 punishable under section 81 or 81a of the Michigan penal code,
3 ~~Act No. 328 of the Public Acts of 1931, being sections 750.81~~
4 ~~and 750.81a of the Michigan Compiled Laws~~ 1931 PA 328, MCL
5 750.81 AND 750.81A, on the officer.

6 (ii) The person commits an assault or an assault and battery
7 punishable under section 81 or 81a of ~~Act No. 328 of the Public~~
8 ~~Acts of 1931~~ THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.81
9 AND 750.81A, on any other person in the officer's presence or
10 commits any felony.

11 (iii) The officer has reasonable cause to believe a felony
12 has been committed and reasonable cause to believe the person
13 committed it, and the reasonable cause is not founded on a cus-
14 toms search.

15 (iv) The officer has received positive information by writ-
16 ten, telegraphic, teletypic, telephonic, radio, ELECTRONIC, or
17 other authoritative source that a peace officer OR A COURT holds
18 a warrant for the person's arrest.

19 (c) The officer has received training in the laws of this
20 state equivalent to the training provided for an officer of a
21 local police agency under the Michigan law enforcement officers
22 training council act of 1965, ~~Act No. 203 of the Public Acts of~~
23 ~~1965, being sections 28.601 to 28.616 of the Michigan Compiled~~
24 ~~Laws~~ 1965 PA 203, MCL 28.601 TO 28.616.

25 Sec. 15a. A peace officer may arrest an individual for vio-
26 lating section 81 or 81a of the Michigan penal code, ~~Act No. 328~~
27 ~~of the Public Acts of 1931, being sections 750.81 and 750.81a of~~

1 ~~the Michigan Compiled Laws~~ 1931 PA 328, MCL 750.81 AND 750.81A,
2 or a local ordinance substantially corresponding to section 81 of
3 ~~Act No. 328 of the Public Acts of 1931~~ THAT ACT regardless of
4 whether the peace officer has a warrant or whether the violation
5 was committed in his or her presence ~~—~~ if the peace officer has
6 OR RECEIVES POSITIVE INFORMATION THAT ANOTHER PEACE OFFICER HAS
7 reasonable cause to believe both of the following:

8 (a) The violation occurred or is occurring.

9 (b) The individual has had a child in common with the
10 victim, resides or has resided in the same household as the
11 victim, or is a spouse or former spouse of the victim.

12 Sec. 15b. (1) A peace officer, without a warrant, may
13 arrest and take into custody an individual when the peace officer
14 has OR RECEIVES POSITIVE INFORMATION THAT ANOTHER PEACE OFFICER
15 HAS reasonable cause to believe all of the following apply:

16 (a) A personal protection order has been issued under
17 section 2950 or 2950a of the revised judicature act of 1961, ~~Act~~
18 ~~No. 236 of the Public Acts of 1961, being sections 600.2950 and~~
19 ~~600.2950a of the Michigan Compiled Laws~~ 1961 PA 236, MCL
20 600.2950 AND 600.2950A.

21 (b) The individual named in the personal protection order is
22 ~~in violation of~~ VIOLATING OR HAS VIOLATED the order. An indi-
23 vidual is ~~in violation of~~ VIOLATING the order if that individ-
24 ual commits 1 or more of the following acts the order specifi-
25 cally restrains or enjoins the individual from committing:

26 (i) Assaulting, attacking, beating, molesting, or wounding a
27 named individual.

1 (ii) Removing minor children from an individual having legal
2 custody of the children, except as otherwise authorized by a cus-
3 tody or parenting time order issued by a court of competent
4 jurisdiction.

5 (iii) Entering onto premises.

6 (iv) Engaging in conduct prohibited under section 411h or
7 411i of the Michigan penal code, ~~Act No. 328 of the Public Acts~~
8 ~~of 1931, being sections 750.411h and 750.411i of the Michigan~~
9 ~~Compiled Laws~~ 1931 PA 328, MCL 750.411H AND 750.411I.

10 (v) Threatening to kill or physically injure a named
11 individual.

12 (vi) ~~Beginning April 1, 1996, purchasing~~ PURCHASING or
13 possessing a firearm.

14 (vii) Interfering with petitioner's efforts to remove
15 petitioner's children or personal property from premises that are
16 solely owned or leased by the individual to be restrained or
17 enjoined.

18 (viii) Interfering with petitioner at petitioner's place of
19 employment or engaging in conduct that impairs petitioner's
20 employment relationship or environment.

21 (ix) Any other act or conduct specified by the court in the
22 personal protection order.

23 (c) The personal protection order states on its face that a
24 violation of its terms subjects the individual to immediate
25 arrest and to criminal contempt of court and, if found guilty of
26 criminal contempt, the individual shall be imprisoned for not
27 more than 93 days and may be fined not more than \$500.00.

1 (2) An individual arrested under this section shall be
2 brought before the circuit court having jurisdiction in the cause
3 within 24 hours after arrest to answer to a charge of contempt
4 for ~~violation of~~ VIOLATING the personal protection order, at
5 which time the court shall do each of the following:

6 (a) Set a time certain for a hearing on the alleged viola-
7 tion of the personal protection order. THE HEARING SHALL BE HELD
8 within 72 hours after arrest, unless extended by the court on the
9 motion of the arrested individual or the prosecuting attorney.

10 (b) Set a reasonable bond pending a hearing of the alleged
11 violation of the personal protection order.

12 (c) Notify the prosecuting attorney of the criminal contempt
13 proceeding.

14 (d) Notify the party who ~~has~~ procured the personal protec-
15 tion order and his or her attorney of record, if any, and direct
16 the party to appear at the hearing and give evidence on the
17 charge of contempt.

18 (3) In circuits ~~where~~ IN WHICH the circuit court judge may
19 not be present or available within 24 hours after arrest, an
20 individual arrested under this section shall be taken before the
21 district court within 24 hours after arrest, at which time the
22 district court shall SET BOND AND order the defendant to appear
23 before the circuit court ~~of~~ IN the county for a hearing on the
24 charge. ~~The district court shall set bond for the individual.~~
25 IF THE DISTRICT COURT WILL NOT BE OPEN WITHIN 24 HOURS AFTER
26 ARREST, A JUDGE OR DISTRICT COURT MAGISTRATE SHALL SET BOND AND

1 ORDER THE DEFENDANT TO APPEAR BEFORE THE CIRCUIT COURT IN THE
2 COUNTY FOR A HEARING ON THE CHARGE.

3 (4) IF A CRIMINAL CONTEMPT PROCEEDING FOR VIOLATION OF A
4 PERSONAL PROTECTION ORDER IS NOT INITIATED BY AN ARREST UNDER
5 THIS SECTION BUT IS INITIATED AS A RESULT OF A SHOW CAUSE ORDER
6 OR OTHER PROCESS OR PROCEEDING, THE COURT SHALL DO ALL OF THE
7 FOLLOWING:

8 (A) NOTIFY THE PARTY WHO PROCURED THE PERSONAL PROTECTION
9 ORDER AND HIS OR HER ATTORNEY OF RECORD, IF ANY, AND DIRECT THE
10 PARTY TO APPEAR AT THE HEARING AND GIVE EVIDENCE ON THE CONTEMPT
11 CHARGE.

12 (B) NOTIFY THE PROSECUTING ATTORNEY OF THE CRIMINAL CONTEMPT
13 PROCEEDING.

14 (5) ~~-(4)-~~ The circuit court ~~for~~ IN each county of this
15 state has jurisdiction to conduct contempt proceedings based upon
16 a violation of a personal protection order described in this sec-
17 tion issued by the circuit court in any county of this state.
18 The court of arraignment shall notify the circuit court that
19 issued the personal protection order that the issuing court may
20 request that the defendant be returned to that ~~county~~ COURT for
21 violating the personal protection order. If the circuit court
22 that issued the personal protection order requests that the
23 defendant be returned to that ~~county~~ COURT to stand trial, the
24 COUNTY OF THE requesting ~~county~~ COURT shall bear the cost of
25 transporting the defendant to that county.

26 (6) ~~-(5)-~~ The prosecuting attorney shall prosecute a
27 criminal contempt proceeding initiated by the court under

1 subsection (2), OR INITIATED BY A SHOW CAUSE ORDER UNDER
2 SUBSECTION (4), unless the party who procured the personal pro-
3 tection order retains his or her own attorney for the criminal
4 contempt proceeding. If the prosecuting attorney prosecutes the
5 criminal contempt proceeding, the court shall grant an adjourn-
6 ment for not less than 14 days or a lesser period requested if
7 the prosecuting attorney moves for adjournment. If the prosecut-
8 ing attorney prosecutes the criminal contempt proceeding, the
9 court may dismiss the proceeding upon motion of the prosecuting
10 attorney for good cause shown.

11 ~~-(6) Upon receiving a true copy of a personal protection~~
12 ~~order issued in compliance with this section, the law enforcement~~
13 ~~agency shall enter the order into the law enforcement information~~
14 ~~network as provided by the L.E.I.N. policy council act of 1974,~~
15 ~~Act No. 163 of the Public Acts of 1974, being sections 28.211 to~~
16 ~~28.216 of the Michigan Compiled Laws.~~

17 (7) A COURT SHALL NOT RESCIND A PERSONAL PROTECTION ORDER,
18 DISMISS A CONTEMPT PROCEEDING BASED ON A PERSONAL PROTECTION
19 ORDER, OR IMPOSE ANY OTHER SANCTION FOR A FAILURE TO COMPLY WITH
20 A TIME LIMIT PRESCRIBED IN THIS SECTION.

21 Sec. 15c. (1) After investigating or intervening in a
22 domestic ~~dispute as described in section 15a or 15b of this~~
23 ~~chapter~~ VIOLENCE INCIDENT, a peace officer shall provide the
24 victim with a copy of the notice in this section. The notice
25 shall be written and shall include all of the following:

26 (a) The name and telephone number of the responding police
27 agency.

1 (b) The name and badge number of the responding peace
2 officer.

3 (c) The following statement:

4 "You may obtain a copy of the police incident report for
5 your case by contacting this law enforcement agency at the tele-
6 phone number provided.

7 The domestic violence shelter program and other resources in
8 your area are (include local information).

9 Information about emergency shelter, counseling services,
10 and the legal rights of domestic violence victims is available
11 from these resources.

12 Your legal rights include the right to go to court and file
13 a petition requesting a personal protection order to protect you
14 or other members of your household from domestic abuse, which
15 could include RESTRAINING OR ENJOINING THE ABUSER FROM DOING the
16 following:

17 (a) ~~An order restraining or enjoining the abuser from~~
18 ~~entering~~ ENTERING onto premises.

19 (b) ~~An order restraining or enjoining the abuser from~~
20 ~~assaulting~~ ASSAULTING, attacking, beating, molesting, or wound-
21 ing you.

22 (c) ~~An order restraining or enjoining the abuser from~~
23 ~~threatening~~ THREATENING to kill or physically injure you or
24 another person.

25 (d) ~~An order restraining or enjoining the abuser from~~
26 ~~removing~~ REMOVING minor children from you, except as otherwise

1 authorized by a custody or parenting time order issued by a court
2 of competent jurisdiction.

3 (e) ~~An order restraining or enjoining the abuser from~~
4 ~~engaging~~ ENGAGING in stalking behavior.

5 (f) ~~Beginning April 1, 1996, an order restraining or~~
6 ~~enjoining the abuser from purchasing~~ PURCHASING or possessing a
7 firearm.

8 (g) ~~An order restraining or enjoining the abuser from~~
9 ~~interfering~~ INTERFERING with your efforts to remove your chil-
10 dren or personal property from premises ~~that are~~ solely owned
11 or leased by the abuser.

12 (h) ~~An order restraining or enjoining the abuser from~~
13 ~~interfering~~ INTERFERING with you at your place of employment or
14 engaging in conduct that impairs your employment relationship or
15 environment.

16 (i) ~~An order restraining or enjoining the abuser from~~
17 ~~engaging~~ ENGAGING in any other specific act or conduct that
18 imposes upon or interferes with your personal liberty or that
19 causes a reasonable apprehension of violence. ~~—".—~~

20 (J) HAVING ACCESS TO INFORMATION IN RECORDS CONCERNING ANY
21 MINOR CHILD YOU HAVE WITH THE ABUSER THAT WOULD INFORM THE ABUSER
22 ABOUT YOUR ADDRESS OR TELEPHONE NUMBER, THE CHILD'S ADDRESS OR
23 TELEPHONE NUMBER, OR YOUR EMPLOYMENT ADDRESS.

24 YOUR LEGAL RIGHTS ALSO INCLUDE THE RIGHT TO GO TO COURT AND
25 FILE A MOTION FOR AN ORDER TO SHOW CAUSE AND A HEARING IF THE
26 ABUSER IS VIOLATING OR HAS VIOLATED A PERSONAL PROTECTION ORDER
27 AND HAS NOT BEEN ARRESTED.".

1 (2) The peace officer shall prepare a domestic violence
2 report after investigating or intervening in a ~~domestic dispute~~
3 ~~or an incident involving~~ domestic violence ~~as described in sub-~~
4 ~~section (1)~~ INCIDENT. The report shall contain, but is not
5 limited to containing, all of the following:

6 (a) The address, date, and time of the ~~occurrence or~~ inci-
7 dent being investigated.

8 (b) The victim's name, address, home and work telephone num-
9 bers, race, sex, and date of birth.

10 (c) The suspect's name, address, home and work telephone
11 numbers, race, sex, date of birth, and information describing the
12 suspect and whether an injunction or restraining order covering
13 the suspect exists.

14 (d) The name, address, home and work telephone numbers,
15 race, sex, and date of birth of any witness, including a child of
16 the victim or suspect, and the relationship of the witness to the
17 suspect or victim.

18 (e) The following information about the ~~occurrence or~~
19 incident being investigated:

20 (i) The name of the person ~~that~~ WHO called the law
21 enforcement agency.

22 (ii) The relationship of the victim and suspect.

23 (iii) Whether alcohol or controlled substance use was
24 involved in the ~~occurrence or~~ incident, and by whom it was
25 used.

26 (iv) A brief narrative describing the ~~dispute or~~ incident
27 and the circumstances that led to it.

1 (v) Whether and how many times the suspect physically
2 assaulted the victim and a description of any weapon or object
3 used.

4 (vi) A description of all injuries sustained by the victim
5 and an explanation of how the injuries were sustained.

6 (vii) If the victim sought medical attention, information
7 concerning where and how the victim was transported, whether the
8 victim was admitted to a hospital or clinic for treatment, and
9 the name and telephone number of the attending physician.

10 (viii) A description of any property damage reported by the
11 victim or evident at the scene.

12 (f) A description of any previous ~~domestic disputes or~~
13 ~~incidents involving~~ domestic violence INCIDENTS between the
14 victim and the suspect.

15 (g) The date and time of the report and the name, badge
16 number, and signature of the peace officer completing the
17 report.

18 (3) The law enforcement agency shall retain the completed
19 domestic violence report in its files. The law enforcement
20 agency shall also file a copy of the completed domestic violence
21 report with the prosecuting attorney within 48 hours after the
22 ~~dispute or~~ DOMESTIC VIOLENCE incident is reported to the law
23 enforcement agency.

24 (4) AS USED IN THIS SECTION, "DOMESTIC VIOLENCE INCIDENT"
25 MEANS AN INCIDENT REPORTED TO A LAW ENFORCEMENT AGENCY INVOLVING
26 ALLEGATIONS OF 1 OR BOTH OF THE FOLLOWING:

1 (A) A VIOLATION OF A PERSONAL PROTECTION ORDER ISSUED UNDER
2 SECTION 2950 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236,
3 MCL 600.2950.

4 (B) A CRIME COMMITTED BY AN INDIVIDUAL AGAINST HIS OR HER
5 SPOUSE OR FORMER SPOUSE, AN INDIVIDUAL WITH WHOM HE OR SHE HAS
6 HAD A CHILD IN COMMON, OR AN INDIVIDUAL WHO RESIDES OR HAS
7 RESIDED IN THE SAME HOUSEHOLD.

8 Sec. 15e. (1) A peace officer, without a warrant, may
9 arrest and take into custody a defendant ~~who~~ WHOM the peace
10 officer has OR RECEIVES POSITIVE INFORMATION THAT ANOTHER PEACE
11 OFFICER HAS reasonable cause to believe is violating or has vio-
12 lated a condition of release imposed under section 6b of chapter
13 V.

14 (2) If a peace officer arrests a defendant under subsection
15 (1), the peace officer shall do all of the following:

16 (a) Prepare a complaint of violation of conditional release
17 substantially in the following format:

18 COMPLAINT OF VIOLATION OF CONDITIONAL RELEASE

19 I _____ am a peace officer. I have determined

20 (name)

21 by:

1 ____L.E.I.N. and verification with the police agency holding
2 the order

3 ____Certified or true copy of order

4 ____Other (Describe) _____

5 That_____ released_____

6 (court) (name of defendant)

7 subject to the following conditions:

8 (state or attach a statement of relevant conditions)

9 I have reasonable cause to believe that on_____

10 (date)

11 at _____ the defendant violated those conditions as follows:

12 (time)

1 (state violations)

2

3

(Signature)

4

5

(Date)

6 (b) If the arrest occurred within the judicial district of
 7 the court that imposed the conditions of release, ~~the peace~~
 8 ~~officer shall immediately~~ BOTH OF THE FOLLOWING:

9 (i) IMMEDIATELY provide 1 copy of the complaint to the
 10 defendant, the original and 1 copy of the complaint to that
 11 court, and 1 copy of the complaint to the prosecuting attorney
 12 for the case in which the conditional release was granted. The
 13 law enforcement agency shall retain 1 copy of the complaint.

14 (ii) BRING THE DEFENDANT BEFORE THAT COURT WITHIN 1 BUSINESS
 15 DAY FOLLOWING THE DEFENDANT'S ARREST TO ANSWER THE CHARGE OF VIO-
 16 LATING THE CONDITIONS OF RELEASE.

17 (c) If the arrest occurred outside the judicial district of
 18 the court that imposed the conditions of release, ~~the peace~~
 19 ~~officer shall immediately~~ BOTH OF THE FOLLOWING:

1 (i) IMMEDIATELY provide 1 copy of the complaint to the
2 defendant, and the original and 1 copy of the complaint to the
3 district court or municipal court in the judicial district in
4 which the violation occurred. The law enforcement agency shall
5 retain 1 copy of the complaint.

6 ~~(d) If the arrest occurred within the judicial district of~~
7 ~~the court that released the defendant subject to conditions,~~
8 ~~bring the defendant before that court within 1 business day fol-~~
9 ~~lowing the defendant's arrest to answer the charge of violating~~
10 ~~the conditions of release.~~

11 ~~(e) If the arrest occurred outside the judicial district of~~
12 ~~the court that released the defendant subject to conditions,~~
13 ~~bring the defendant before the district court or municipal court~~
14 ~~in the judicial district in which the violation occurred within 1~~
15 ~~business day following the arrest. The court shall determine~~
16 ~~conditions of release and promptly transfer the case to the court~~
17 ~~that released the defendant subject to conditions. The court to~~
18 ~~which the case is transferred shall notify the prosecuting attor-~~
19 ~~ney, in writing, of the alleged violation.~~

20 (ii) BRING THE DEFENDANT BEFORE THE DISTRICT COURT OR MUNIC-
21 IPAL COURT IN THE JUDICIAL DISTRICT IN WHICH THE VIOLATION
22 OCCURRED WITHIN 1 BUSINESS DAY FOLLOWING THE ARREST. THE COURT
23 SHALL DETERMINE CONDITIONS OF RELEASE AND PROMPTLY TRANSFER THE
24 CASE TO THE COURT THAT RELEASED THE DEFENDANT SUBJECT TO
25 CONDITIONS. THE COURT TO WHICH THE CASE IS TRANSFERRED SHALL
26 NOTIFY THE PROSECUTING ATTORNEY IN WRITING OF THE ALLEGED
27 VIOLATION.

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

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

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

20 Enacting section 1. This amendatory act takes effect
21 September 1, 1998.