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Senate Fiscal Agency  
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**SFA****BILL ANALYSIS**

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House Bill 4716 (Substitute H-3 as reported without amendment)  
Sponsor: Representative Patricia Godchaux  
House Committee: Criminal Law and Corrections  
Senate Committee: Judiciary

### **CONTENT**

The bill would amend Public Act 44 of 1961 (which provides for the release of misdemeanor prisoners who give bond to the arresting officer) to require that conditions of release be imposed when a person arrested for domestic violence was released on interim bond or recognizance.

Public Act 44 provides that a person may not be released on an interim bond or on his or her own recognizance before being taken before a court, but must be held until he or she can be brought before a magistrate for arraignment or, if a magistrate is not available or immediate trial cannot be held within 24 hours, the person must be held for 20 hours, after which he or she may be released on interim bond or on his or her own recognizance if the person either is 1) arrested without a warrant for simple or aggravated assault and has a child in common with the victim, resides or has resided in the same household as the victim, or is a spouse or former spouse of the victim; or 2) is arrested with a warrant for simple or aggravated assault and is a spouse or former spouse, or a person who resides or has resided in the same household as the victim. The bill would add to the second condition a person who had a child in common with the victim. The bill specifies that a person arrested under either condition could be released on an interim bond or on his or her own recognizance but would have to be arraigned or have interim bond set by a judge or district court magistrate. If the judge or magistrate set interim bond, the person could be released only subject to the condition that he or she not have or attempt to have contact of any kind with the victim.

If a judge or district court magistrate released a person subject to protective conditions, the judge or magistrate would have to inform the person of the specific conditions imposed and that if the person violated a condition of release, he or she would be subject to arrest without a warrant and could have bond forfeited or revoked and new conditions of release imposed.

The judge or district court magistrate immediately would have to direct that a law enforcement agency enter an order or amended order of conditions of release into the Law Enforcement Information Network (LEIN). If the order were rescinded, the judge or magistrate immediately would have to order the law enforcement agency to remove it from the LEIN.

MCL 780.582a

Legislative Analyst: P. Affholter

### **FISCAL IMPACT**

The bill would have an indeterminate impact on local units of government. The potential impact of reduced jail time cannot be estimated.

Date Completed: 12-3-99

Fiscal Analyst: B. Bowerman

[floor/hb4716](http://www.michiganlegislature.org/floor/hb4716)

Analysis available @ <http://www.michiganlegislature.org>

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.