

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 727 (as introduced 10-17-01)
Sponsor: Senator Ken Sikkema
Committee: Judiciary

Date Completed: 10-30-01

CONTENT

The bill would amend Public Act 44 of 1961, which provides for the release of a person arrested on a misdemeanor charge upon the payment of an interim bond or on his or her own recognizance under some circumstances, to prohibit or delay such release in domestic violence cases in which a person arrested with a warrant was currently or previously in a dating relationship with the victim or had a child a child in common with the victim.

Currently, a person arrested with a warrant for simple or aggravated assault 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 before being released on interim bond or his or her own recognizance, if the person is a spouse or former spouse of the victim or resides or formerly resided with the victim. The bill would include in the release restriction a person arrested with a warrant for simple or aggravated assault if the person were currently or previously in a dating relationship with the victim or had a child in common with the victim.

"Dating relationship" would mean that term as it is defined in the Revised Judicature Act's provision for issuance of a personal protection order in a domestic violence situation. That Act defines dating relationship as frequent, intimate associations that are primarily characterized by the expectation of affectional involvement.

(The current release restriction also applies to a person arrested without a warrant for simple or aggravated assault, if the person has had a child in common with the victim, resides or formerly resided in the same household as the victim, or is a spouse or former spouse of the victim.)

MCL 780.582a

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have no fiscal impact on the State.

To the extent that the bill would extend the prohibition or delay of bond release to those who had a dating relationship or a child with the victim of domestic violence, it would result in increased costs to local governments. A person waiting for arraignment would be held in a local facility. Local units would incur the cost of incarceration, which may vary between \$27 and \$62 per day.

Fiscal Analyst: B. Wicksall

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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.