

HOUSE BILL No. 5492

September 30, 2009, Introduced by Rep. Johnson and referred to the Committee on
Regulatory Reform.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 26 of chapter V (MCL 765.26), as amended by
2002 PA 659.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER V

Sec. 26. (1) In ~~all~~**A** criminal ~~cases~~**CASE** where a person has
entered into any recognizance for the personal appearance of
another and ~~such bail and surety~~ afterwards desires to be relieved
from responsibility, he or she may, with or without assistance **BUT**
IN COMPLIANCE WITH THE BAIL RECOVERY REGULATION ACT, arrest or
detain the accused and deliver him or her to any jail or to the
sheriff of any county. In making the arrest or detainment, he or
she is entitled to the assistance of any peace officer.

1 (2) The sheriff or keeper of any jail is authorized to receive
2 the principal and detain him or her in jail until he or she is
3 discharged. Upon delivery of his or her principal at the jail by
4 the surety or his or her agent or any officer, the surety shall be
5 released from the conditions of his or her recognizance.

6 (3) ~~Whenever~~**IF** the prosecuting attorney of a county is
7 satisfied that a person who has been recognized to appear for trial
8 has absconded, or is about to abscond, and that his or her sureties
9 or either of them have become worthless, or are about to dispose or
10 have disposed of their property for the purpose of evading the
11 payment or the obligation of ~~such~~**THE** bond or recognizance or with
12 intent to defraud their creditors, and ~~that~~**IF THE** prosecuting
13 attorney makes a satisfactory showing to this effect to the court
14 having jurisdiction of that person, the court ~~or judge~~ shall
15 promptly grant a mittimus to the sheriff or any peace officer of
16 that county, commanding him or her ~~forthwith~~ to arrest the person
17 so recognized and bring him or her before the officer issuing the
18 mittimus. ~~and on~~**ON** the return of ~~that~~**THE** mittimus, **THE COURT** may,
19 after a hearing on the merits, order ~~him or her~~**THE PERSON** to be
20 recommitted to the county jail until ~~such time as~~ he or she gives
21 additional and satisfactory sureties ~~,~~ or is otherwise discharged.

22 Enacting section 1. This amendatory act does not take effect
23 unless Senate Bill No.____ or House Bill No. 5493(request no.
24 04400'09) of the 95th Legislature is enacted into law.