

UNIFORM RENDITION OF ACCUSED PERSONS ACT Act 281 of 1968

AN ACT to enact the uniform rendition of accused persons act.

History: 1968, Act 281, Eff. Nov. 15, 1968.

The People of the State of Michigan enact:

780.41 Uniform rendition of accused persons act; short title.

Sec. 1. This act may be cited as the “uniform rendition of accused persons act”.

History: 1968, Act 281, Eff. Nov. 15, 1968.

780.42 Arrest of accused person illegally in state; warrant, procedure.

Sec. 2. (1) If a person who has been charged with crime in another state and released from custody prior to final judgment, including the final disposition of any appeal, is alleged to have violated the terms and conditions of his release, and is present in this state, a designated agent of the court, judge or magistrate which authorized the release may request the issuance of a warrant for the arrest of the person and an order authorizing his return to the demanding court, judge or magistrate. Before the warrant is issued, the designated agent shall file, with a judicial officer of this state having authority under the laws of this state to issue warrants for the arrest of persons charged with crime, the following documents:

(a) An affidavit stating the name and whereabouts of the person whose removal is sought, the crime with which the person was charged, the time and place of the crime charged, and the status of the proceedings against him.

(b) A certified copy of the order or other document specifying the terms and conditions under which the person was released from custody.

(c) A certified copy of an order of the demanding court, judge or magistrate stating the manner in which the terms and the conditions of the release have been violated and designating the affiant its agent for seeking removal of the person.

(2) Upon initially determining that the affiant is a designated agent of the demanding court, judge or magistrate, and that there is probable cause for believing that the person whose removal is sought has violated the terms or conditions of his release, the judicial officer shall issue a warrant to a law enforcement officer of this state for the person's arrest.

(3) The judicial officer shall notify the prosecuting attorney of his action and shall direct him to investigate the case to ascertain the validity of the affidavits and documents required by subsection (1) and the identity and authority of the affiant.

History: 1968, Act 281, Eff. Nov. 15, 1968.

780.43 Hearing; right to counsel; waiver of hearing; condition of release.

Sec. 3. (1) The person whose removal is sought shall be brought before the judicial officer immediately upon arrest pursuant to the warrant; whereupon the judicial officer shall set a time and place for hearing, and shall advise the person of his right to have the assistance of counsel, to confront the witnesses against him, and to produce evidence in his own behalf at the hearing.

(2) The person whose removal is sought may at this time in writing waive the hearing and agree to be returned to the demanding court, judge or magistrate. If a waiver is executed, the judicial officer shall issue an order pursuant to section 3.

(3) The judicial officer may impose conditions of release authorized by the laws of this state which will reasonably assure the appearance at the hearing of the person whose removal is sought.

History: 1968, Act 281, Eff. Nov. 15, 1968.

780.44 Hearing; report of investigation; order authorizing return of accused.

Sec. 4. The prosecuting attorney shall appear at the hearing and report to the judicial officer the results of his investigation. If the judicial officer finds that the affiant is a designated agent of the demanding court, judge or magistrate and that the person whose removal is sought was released from custody by the demanding court, judge or magistrate, and that the person has violated the terms or conditions of his release, the judicial officer shall issue an order authorizing the return of the person to the custody of the demanding court, judge or magistrate forthwith.

History: 1968, Act 281, Eff. Nov. 15, 1968.

780.45 Construction of act.

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Sec. 5. This act shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

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