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House Bill 6181 (Substitute H-1 as passed by the House)  
House Bill 6182 (Substitute H-1 as passed by the House)  
Sponsor: Representative Daniel Acciavatti (H.B. 6181)  
Representative David Law (H.B. 6182)  
House Committee: Local Government and Urban Policy  
Senate Committee: Judiciary

Date Completed: 12-5-06

### **CONTENT**

**The bills would amend Chapter 4 (Arrests) of the Code of Criminal Procedure to require the use of the Law Enforcement Information Network (LEIN) when a person was arrested and taken into custody or before a warrant was issued for a person's arrest, to determine whether the person was a parolee, and if so, require the Department of Corrections (DOC) to be notified.**

The bills are described below.

#### **House Bill 6181 (H-1)**

Under the bill, when a person was arrested and taken into custody with or without a warrant as allowed under Chapter 4, the peace officer who made the arrest, the law enforcement agency employing that officer, or a central dispatch service for the law enforcement agency would have to use LEIN promptly to determine whether the person arrested was a parolee under the jurisdiction of the DOC. If the person were a parolee, the officer who made the arrest, the law enforcement agency, or a central dispatch service would have to give notice promptly to the DOC, by telephone or electronically. The notice would have to include the identity of the person arrested, the fact that information in databases managed by the DOC and accessible by LEIN provided reason to believe that the person was a parolee under the jurisdiction of the DOC, and the charge or charges for which he or she was arrested.

The requirement to notify the DOC would be met if notice were transmitted to any of the following:

- The DOC by a central toll-free telephone number, designated by the Department for that purpose, that was in operation 24 hours a day and was posted in the DOC's database of information concerning the status of parolees.
- A parole agent serving the county where the arrest occurred.
- The supervisor of the parole office serving the county where the arrest occurred.

#### **House Bill 6182 (H-1)**

The bill provides that, before a warrant was issued for the arrest of a person who was not in custody, the law enforcement agency investigating the crime would have to use LEIN to determine whether the person was a parolee under the jurisdiction of the DOC. If the

person were determined to be a parolee and the magistrate issued a warrant for his or her arrest, the investigating law enforcement agency (or, if the court were entering arrest warrants into LEIN, the court) would have to give notice promptly to the DOC. The notice would have to include the identity of the person named in the warrant, the fact that information in databases managed by the DOC and accessible by LEIN provided reason to believe that he or she was a parolee under the jurisdiction of the DOC, and the charge or charges stated in the warrant.

If the court had assumed the responsibility for entering arrest warrants into LEIN and had delayed issuance or entry of a warrant pending a court appearance by the person named in the warrant, the law enforcement agency submitting the sworn complaint to the court would have to give prompt notice to the DOC, by telephone or electronic means. The notice would have to include the following information:

- The identity of the person named in the sworn complaint.
- The fact that a prosecuting attorney had authorized the issuance of a warrant.
- The fact that information in databases managed by the DOC and accessible by LEIN provided reason to believe that the person was a parolee under the DOC's jurisdiction.
- The charge or charges stated in the complaint.
- Whether, pending a court appearance by the person named in the complaint, the court either had issued the arrest warrant but delayed entering the warrant into LEIN, or had delayed issuance of the warrant.

The bill specifies that the requirement to notify the DOC would be met if the notice were transmitted to any of the following:

- The DOC by a central toll-free telephone number, designated by the Department for that purpose, that was in operation 24 hours a day and was posted in the DOC's database of information concerning the status of parolees.
- A parole agent serving the county where the warrant was issued or was being sought.
- The supervisor of the parole office serving the county where the warrant was issued or was being sought.

Proposed MCL 760.15g (H.B. 6181)  
Proposed MCL 760.1g (H.B. 6182)

Legislative Analyst: Curtis Walker

### **FISCAL IMPACT**

These bills would put into statute a practice that already is considered by law enforcement as a standard procedure by most, if not all, agencies.

The bills would have an indeterminate fiscal impact on the Department of Corrections. The DOC would incur administrative costs associated with setting up and staffing toll-free telephone numbers.

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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.