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House Bill 4139 (as passed by the House)
Sponsor: Representative Tom McMillin
House Committee: Judiciary
Senate Committee: Judiciary

Date Completed: 5-6-13

CONTENT

The bill would repeal Chapter XII (Proceedings to Prevent Crime) of the Code of Criminal Procedure.

Chapter XII, sometimes referred to as the "Peace Bond Law", requires a district or municipal court judge to examine a complaint made in writing and on oath that a person has threatened to commit an offense against the person or property of another. If the judge determines that there is just reason to believe the person will commit an offense, the judge may order the person to appear within seven days and must issue a warrant if the person fails to appear.

The court must require the person named in the complaint to enter into a recognizance with sufficient sureties to keep the peace (that is, provide a peace bond). If the person refuses or neglects to do so, the court must commit the person to the county jail during the period for which security was required or until the person provides the recognizance. A person may not be incarcerated for failure to pay unless the court conducts a hearing and determines that the person has the resources to pay the recognizance and has not made a good faith effort to do so.

A peace officer may arrest a person and hold him or her for presentation to the court on the next day if the officer has reason to believe the person violated the conditions of recognizance under Chapter XII. Also, if the court is presented with allegations that the person violated one or more conditions of a peace bond, the court may order the person to appear before it or may issue a warrant.

The court must order the recognizance forfeited if it finds by admission or after a hearing that the conditions of the recognizance were violated, and may order an additional recognizance with sufficient sureties to secure the peace. In addition, a person who violates an order issued under Chapter XII in a domestic relations situation is subject to the contempt powers of the court and may be imprisoned for up to 90 days and/or fined up to \$500.

MCL 772.1-772.15

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

Although exact data are not available, current use of the peace bond statute is understood to be relatively rare, which means the fiscal impact of its repeal would likely be minor or perhaps negligible. In the event that the impact were nonnegligible, the repeal could result in marginal decreases to district court caseload, county jail incarceration costs, and civil fine revenue.

Fiscal Analyst: Dan O'Connor

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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.