

**THE CODE OF CRIMINAL PROCEDURE (EXCERPT)**  
**Act 175 of 1927**

**764.28 Failure of person under recognizance or appeal to appear; forfeiture; issuing process for arrest of appellant or defendant.**

Sec. 28.

If a person under recognizance on an appeal from a conviction and judgment of a magistrate does not appear according to the condition of the recognizance, and the recognizance is forfeited by reason of the breach of that condition, and the forfeiture is entered on the record by order of the court having jurisdiction of the case, that court may issue a capias or other process for the arrest of the appellant or defendant named in the recognizance, to bring the appellant or defendant before the court.

**History:** 1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17162 ;-- CL 1948, 764.28 ;-- Am. 1980, Act 506, Imd. Eff. Jan. 22, 1981

**Former Law:** See section 2 of Act 209 of 1861, being CL 1871, Â§ 7962; How., Â§ 9575; CL 1897, Â§ 11959; and CL 1915, Â§ 15832.