



**House
Legislative
Analysis
Section**

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DRUNK DRIVING: LOCOMOTIVE

**Senate Bill 1250 with committee
amendment
Senate Bill 1251 (Substitute H-2)
Sponsor: Sen. John J. H. Schwarz, M.D.**

Addendum to SFA Analysis (12-10-02)

**Senate Committee: Judiciary
House Committee: Criminal Justice**

**ADDENDUM TO SENATE FISCAL AGENCY ANALYSIS OF SB 1250 AND 1251
DATED 10-24-02:**

HOUSE COMMITTEE ACTION:

The committee adopted a House substitute for Senate Bill 1250, which amends the Code of Criminal Procedure to revise the sentencing guidelines designation for offenses regarding operating a locomotive under the influence of alcohol or a controlled substance. These provisions would remain unchanged. The committee substitute would revise provisions pertaining to bail bondsmen.

Currently, if a person has entered into any recognizance for the personal appearance of another but then desires to be relieved from that responsibility, he or she may arrest the accused and deliver him or her to the jail or sheriff of the county where the person had been originally arrested. Instead, the bill would allow the person to arrest or detain the accused and deliver him or her to any jail or to the sheriff of any county.

In addition, after a default (failure of an accused to appear) on a recognizance is entered, a court can, upon proper motion, give each surety (the person putting up the bail or bond money) 20 days' notice to appear. The bill would change this to require immediate notice not to exceed seven days after the date of the failure to appear. Currently the notice must be served upon each surety in person or left at his or her last known place of residence. The bill would instead require the notice to be delivered in person or left at the surety's last known business address.

Further, the court would have to set aside the forfeiture and discharge the bail or surety bond within one year from the date of forfeiture judgment if the defendant had been apprehended, the ends of justice had not been thwarted, and the county had been repaid its costs for apprehending the person. If the bond or bail were discharged, the court would have to enter an order to that effect with a statement of the amount to be returned to the surety. This provision would not apply if the defendant were apprehended more than 56 days after the bail or bond had been ordered forfeited and judgment entered and the surety did not fully pay the forfeiture judgment within that 56-day period. The bill would also make a number of editorial changes for clarity and to update language in the act. Lastly, the substitute would add an effective date of April 1, 2003.

Senate Bills 1250 and 1251 (12-10-02)

To Senate Bill 1251, the committee added an effective date of April 1, 2003.

POSITIONS:

The Michigan Licensed Beverage Association supports the bills. (12-10-02)

The Department of State Police supports Senate Bill 1251. (12-10-02)

The Professional Bail Agents of Michigan support Senate Bill 1251. (12-10-02)

Analyst: S. Stutzky

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.