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Senate Bills 1163 and 1164 (as introduced 11-26-24)

Sponsor: Senator Mallory McMorrow

Committee: Health Policy

Date Completed: 12-11-24

## **CONTENT**

**Senate Bill 1163 would amend the Uniform Criminal Extradition Act to provide that no person could be arrested or delivered to the executive authority of another state for acts committed or services received in Michigan involving a legally protected health activity.**

**Senate Bill 1164 would amend the Code of Criminal Procedure to prohibit the Governor from recognizing another state's demand for a person's extradition and a law enforcement officer from cooperating in that person's extradition if the person were charged for receiving or performing a legally protected health activity.**

The bills are tie-barred.

### **Senate Bill 1163**

The Uniform Criminal Extradition Act provides that it is the duty of the Governor to have arrested and delivered up to the executive authority of any other state of the U.S. any person charged in that state with treason, felony, or other crime, who has fled from justice and is found in the State. The Governor may also surrender on demand of the executive authority of any other state any person in the State who is charged with having violated the laws of the state whose executive authority is making the demand, even though the person left the demanding state involuntarily.

The bill would provide that a person could not be surrendered for acts committed in the State or services received in the State involving a legally protected health activity. The bill would also provide that nothing in the Act limits any person's right to move freely between states or to enjoy the privileges and immunities of the State, and no person can be arrested or delivered up to the executive authority of any other state of the U.S. for acts committed in the State or services received in the State involving a legally protected health activity.

"Legally protected health activity" means seeking, providing, receiving, or referring for reproductive health services; assisting in seeking, providing, or receiving reproductive health services; providing material support for traveling to receive reproductive health services; or other similar conduct, that is not unlawful in the State, including under any theory of vicarious, joint, several, or conspiracy liability, to the extent the activity is not in violation of the State Constitution or other State law, and if the provider is physically present in this the State.

"Reproductive health services" would mean all services, care, or products of a medical, surgical, psychiatric, therapeutic, diagnostic, mental health, behavioral health, preventative, prescribing, or dispensing nature relating to the human reproductive system provided in accordance with the State Constitution and the laws of the State, whether provided in person or by means of telehealth or telehealth services, which includes, all services, care, and

products relating to pregnancy, assisted reproduction, contraception, miscarriage management or the termination of a pregnancy, and self-managed terminations.

Under the Act, whenever any person within Michigan is charged on the oath of any credible person before any judge or magistrate with the commission of any crime in any other state, a judge of Michigan must issue a warrant to apprehend the person. Under the bill, this requirement would not apply to a crime arising from acts committed or services received in Michigan involving a legally protected health activity

### **Senate Bill 1164**

The Code of Criminal Procedure establishes the duty of the Governor to comply with another state's demand to extradite an alleged fugitive. The Governor must issue an order or warrant to a sheriff to apprehend the alleged fugitive and the Sheriff must extradite the alleged fugitive if the other state's demand is made according to applicable laws. Under the bill, except as by Federal law, no demand for the extradition of a person charged with a legally protected health activity could be recognized by the Governor unless the executive authority of the demanding state alleged in writing that the alleged fugitive was physically present in the demanding state at the time of the commission of the alleged crime and that thereafter the alleged fugitive fled.

Additionally, the bill would add Chapter IV to prohibit a law enforcement officer from arresting any person for performing a legally protected health activity. A law enforcement agency also could not cooperate with, assist in, or provide information to any out-of-state law enforcement agency regarding an investigation into a legally protected health activity.

MCL 780.1 et al. (S.B. 1163)  
761.1 et al. (S.B. 1164)

Legislative Analyst: Alex Krabill

### **FISCAL IMPACT**

The bills would have a minimal fiscal impact on State and local governments other than the education and training of law enforcement agencies as to the requirements of the bill, likely provided by the Michigan Council on Law Enforcement Standards. They would have no fiscal impact on State or local courts or the Attorney General.

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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.