

SUBSTITUTE FOR
SENATE BILL NO. 1163

A bill to amend 1937 PA 144, entitled
"Uniform criminal extradition act,"
by amending sections 1, 2, 3a, 5, and 12 (MCL 780.1, 780.2, 780.3a,
780.5, and 780.12).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. ~~Definitions. Where appearing~~ **As used** in this act: ~~r~~
2 ~~the term "governor" includes~~

3 **(a) "Executive authority" means the governor, and any person**
4 **performing the functions of governor in a state other than this**
5 **state.**

6 **(b) "Governor" means** any person performing the functions of
7 governor by authority of the law of this state. ~~The term "executive~~
8 ~~authority" includes the governor, and any person performing the~~

1 ~~functions of governor in a state other than this state. The term~~
2 ~~"state,"~~

3 (c) "Legally protected health activity" means seeking,
4 providing, receiving, or referring for reproductive health
5 services; assisting in seeking, providing, or receiving
6 reproductive health services; providing material support for
7 traveling to receive reproductive health services; or other similar
8 conduct, that is not unlawful in this state, including under any
9 theory of vicarious, joint, several, or conspiracy liability, to
10 the extent the activity is not in violation of the state
11 constitution of 1963 or other law of this state, and if the
12 provider is physically present in this state.

13 (d) "Reproductive health services" means all services, care,
14 or products of a medical, surgical, psychiatric, therapeutic,
15 diagnostic, mental health, behavioral health, preventative,
16 prescribing, or dispensing nature relating to the human
17 reproductive system, including, but not limited to, endocrine
18 health care, provided in accordance with the state constitution of
19 1963 and the laws of this state, whether provided in person or by
20 means of telehealth or telehealth services, which includes, but is
21 not limited to, all services, care, and products relating to
22 pregnancy, assisted reproduction, contraception, miscarriage
23 management or the termination of a pregnancy, and self-managed
24 terminations.

25 (e) "State", referring to a state other than this state,
26 includes any other state or territory, organized or unorganized, of
27 the United States of America.

28 Sec. 2. ~~Fugitives from justice; duty of governor.~~ Subject to
29 the provisions of this act, the provisions of the ~~constitution~~

1 **Constitution** of the United States controlling, and any and all acts
2 of ~~congress~~ **Congress** enacted in pursuance thereof, it is the duty
3 of the governor of this state to have arrested and delivered up to
4 the executive authority of any other state of the United States any
5 person charged in that state with treason, felony, or other crime,
6 who has fled from justice and is found in this state. **Nothing in**
7 **this section limits any person's right to move freely between**
8 **states or to enjoy the privileges and immunities of this state, and**
9 **no person shall be arrested or delivered up to the executive**
10 **authority of any other state of the United States for acts**
11 **committed in this state involving a legally protected health**
12 **activity.**

13 Sec. 3a. (1) ~~The~~ **Subject to subsection (2), the** governor of
14 this state may also surrender, on demand of the executive authority
15 of any other state, any person in this state charged in such other
16 state in the manner provided in section 3 with committing an act in
17 this state, or in a third state, intentionally resulting in a crime
18 in the state whose executive authority is making the demand, and
19 the provisions of this act not otherwise inconsistent ~~shall apply~~
20 to ~~such~~ **those** cases, even though the accused was not in that state
21 at the time of the commission of the crime, and has not fled
22 therefrom, and the requirements contained in ~~subdivisions (d) and~~
23 ~~(e) of section 3 of this act~~ **section 3(2) (d) and (e)** shall not
24 apply to ~~such~~ **those** cases.

25 **(2) Nothing in this section limits any person's right to move**
26 **freely between states or to enjoy the privileges and immunities of**
27 **this state, and no person shall be surrendered to the executive**
28 **authority of any other state for acts involving a legally protected**
29 **health activity.**

1 Sec. 5. ~~(1) Extradition of persons imprisoned or awaiting~~
 2 ~~trial in another state or who have left the demanding state under~~
 3 ~~compulsion.~~ When it is desired to have returned to this state a
 4 person charged in this state with a crime, and ~~such~~**the** person is
 5 imprisoned or is held under criminal proceedings then pending
 6 against ~~him~~**the person** in another state, the governor of this state
 7 may agree with the executive authority of such other state for the
 8 extradition of ~~such~~**the** person before the conclusion of such
 9 proceedings or ~~his~~**the person's** term of sentence in ~~such~~**the** other
 10 state, ~~upon~~**on** condition that ~~such~~**the** person be returned to ~~such~~
 11 **the** other state at the expense of this state as soon as the
 12 prosecution in this state is terminated.

13 (2) The governor of this state may also surrender on demand of
 14 the executive authority of any other state any person in this state
 15 who is charged in the manner provided in section 22 ~~of this act~~
 16 with having violated the laws of the state whose executive
 17 authority is making the demand, even though ~~such~~**the** person left
 18 the demanding state involuntarily **except that a person may not be**
 19 **surrendered for acts committed in this state involving a legally**
 20 **protected health activity.**

21 Sec. 12. ~~Arrest prior to requisition.~~ Whenever any person
 22 within this state ~~shall be~~**is** charged on the oath of any credible
 23 person before any judge or magistrate of this state with the
 24 commission of any crime in any other state **other than a crime**
 25 **arising from acts committed in this state involving a legally**
 26 **protected health activity** and ~~—~~except in cases arising under
 27 section 3a, with having fled from justice, or with having been
 28 convicted of a crime in that state and having escaped from
 29 confinement, or having broken the terms of ~~his~~**the person's** bail,

1 probation, or parole, or whenever **a** complaint ~~shall have~~**has** been
 2 made before any judge or magistrate in this state setting forth on
 3 the affidavit of any credible person in another state that a crime
 4 has been committed in ~~such~~**the** other state and that the accused has
 5 been charged in ~~such~~**the other** state with the commission of the
 6 crime ~~and~~ ~~and~~ except in cases arising under section 3a, has fled
 7 from justice, or with having been convicted of a crime in that
 8 state and having escaped from confinement, or having broken the
 9 terms of ~~his~~**the person's** bail, probation, or parole, and is
 10 believed to be in this state, the judge or magistrate shall issue a
 11 warrant directed to any peace officer commanding ~~him~~**the peace**
 12 **officer** to apprehend the person ~~named therein,~~ wherever ~~he~~**the**
 13 **person** may be found in this state, and to bring ~~him~~**the person**
 14 before the same or any other judge, magistrate, or court ~~who or~~
 15 ~~which may be~~**that is** available in or convenient of access to the
 16 place where the arrest may be made, to answer the charge or
 17 complaint and affidavit, and a certified copy of the sworn charge
 18 or complaint and affidavit ~~upon~~**on** which the warrant is issued
 19 ~~shall~~**must** be attached to the warrant.

20 Enacting section 1. This amendatory act does not take effect
 21 unless Senate Bill No. 1164 of the 102nd Legislature is enacted
 22 into law.