

SENATE BILL NO. 1163

November 26, 2024, Introduced by Senator MCMORROW and referred to the Committee on Health Policy.

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: ~~7~~
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.**

1 **(b) "Governor" means** any person performing the functions of
2 governor by authority of the law of this state. ~~The term "executive~~
3 ~~authority" includes the governor, and any person performing the~~
4 ~~functions of governor in a state other than this state. The term~~
5 ~~"state,"~~

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

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

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

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

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

27 (2) **Nothing in this section limits any person's right to move**
 28 **freely between states or to enjoy the privileges and immunities of**
 29 **this state, and no person shall be surrendered to the executive**

1 **authority of any other state for acts involving a legally protected**
 2 **health activity.**

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

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

23 Sec. 12. ~~Arrest prior to requisition.~~ Whenever any person
 24 within this state ~~shall be~~ **is** charged on the oath of any credible
 25 person before any judge or magistrate of this state with the
 26 commission of any crime in any other state **other than a crime**
 27 **arising from acts committed in this state or services received in**
 28 **this state involving a legally protected health activity** and ~~7~~
 29 except in cases arising under section 3a, with having fled from

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

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