



Michigan Supreme Court

State Court Administrative Office

Trial Court Services Division

Michigan Hall of Justice

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Lansing, Michigan 48909

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Jennifer Warner
Director

February 25, 2016

TO: Michigan Court Forms Committee, Criminal Work Group

FROM: Matthew Walker, Forms and Manuals Analyst

RE: Agenda and Materials for **March 3, 2016 Meeting**

PLACE: **Michigan Hall of Justice**, 925 West Ottawa, downtown Lansing (map enclosed)

Below is the agenda for the March 3, 2016 meeting of the Michigan Court Forms Committee, Criminal Work Group. The meeting starts at 9:30 a.m. and ends at approximately 3:30 p.m. Lunch reservations have been made for you. **If you cannot attend, please contact me at least two days before the meeting.** Please note that our office is located at 925 W. Ottawa in Lansing. A map and directions are provided.

Please bring these agenda materials to the meeting. Although documentation is provided with the agenda, it would also be helpful to bring a copy of the Michigan Court Rules and any other resources you believe are necessary.

1. Minor Changes

A. **MC 246 Motion and Summons Regarding Probation Violation MC 256 Summons, Criminal**

MC 246 and MC 256 will be updated to include the following ADA and LEP accommodations language, "If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements."

**B. MC 406a Petition to Discontinue Sex Offender Registration
MC 406b Order on Petition to Discontinue Sex Offender Registration**

MC 406a/406b will be updated to remove the links to the Michigan Courts Self-Help website. The website pages are no longer in existence.

C. DC 255 Notice to Prosecuting Official (Victim's Rights Act)

DC 255 will be updated to comply with 2014 PA 130. Specifically, the list of serious misdemeanors will be updated to reflect the listing in the statute.

**D. DC 225 Complaint, Misdemeanor
DC 226 Warrant, Misdemeanor, Traffic/Nontraffic
MC 200 Felony Set, Information
MC 240 Order for Pretrial Release/Custody
MC 256 Summons, Criminal**

DC 225, DC 226, MC 200, MC 240, and MC 256 will be revised to remove the court seal on each form. The seal is being removed because there is no statutory or court rule requirement that these forms have a court seal.

**E. MC 219 Judgment of Sentence/Commitment to Jail
CC 219b Judgment of Sentence/Commitment to Department of Corrections**

MC 219 and CC 219b will be revised to replace the reference to the concealed weapon board with "county clerk." Concealed weapon boards were abolished on December 1, 2015, with the passage of 2015 PA 3.

F. CC 404 Notice to Prisoner on Application for Leave to Appeal Decision of Parole Board

CC 404 will be revised to update the court rule citations in the body and footer of the form. In addition, the note stating the form is required will be revised to remove the language "[i]f the appropriate language is included in the application for leave to appeal, this form does not need to be used."

G. MC 222 Request for Court-Appointed Attorney and Order

MC 222 will be revised to remove the "District Court Endorsement" box in the bottom left hand corner of the form as it is no longer used.

2. **DC 225, Complaint and Warrant, Misdemeanor**
DC 226, Warrant, Misdemeanor, Traffic/Nontraffic

Page 2, item c of DC 225 states that “[t]he defendant may be released when a cash bond is posted in the amount of \$ _____ for personal appearance.”

DC 226 states “[a] defendant may be released when a cash interim bond is posted...”

It has been suggested that this language be revised to state “interim cash bail” on both forms in accordance with MCL 780.581 and MCR 6.102(F).

In addition, a citation to MCL 780.581 and MCR 6.102(F) would be added to the footer of both forms.

Should these revisions be adopted?

3. **DC 225 Complaint and Warrant, Misdemeanor**
MC 200 Felony Set
MC 256 Summons, Criminal

It has been suggested that a parenthetical be added to the above forms after “Codefendants” that states “(if known)” to eliminate confusion as to whether it is required to list codefendant names on the forms.

There is no court rule or statutory authority that requires codefendant names be listed. However, the field was added to many forms around 1984 by the then Circuit and District Court Forms Committee as a compromise on differing procedures when filing against multiple defendants. Ultimately, the box for codefendants was added in order to cross-reference cases involving multiple cases.

The addition of the parenthetical would clarify that listing codefendant names is optional.

Should the parenthetical be added?

4. **MC 206 Order for Evaluation Relative to Criminal Responsibility**

It has been suggested that a new item be added to this form (proposed item 6) that states, “Additional orders.” This would allow for additional orders to be written in by the court as deemed necessary.

Should the additional item be added?

5. **MC 219 Judgment of Sentence/Commitment to Jail**

It has been suggested that the following line of item 11 be removed because it is duplicative of item 10, easily misleads a reader into believing jail has been ordered, and does not comply with inability to pay requirements.

Defendant shall serve _____ days in jail beginning _____ for failure to pay on time.

MC 219, Item 11 (Current Version: 6/15)

Should the line be removed or rephrased?

6. **MC 220 Recall of Bench Warrant/Order to Apprehend**
MC 239 Removal of Entry from LEIN

It has been brought to SCAO's attention that the instructions for MC 220 are no longer applicable to situations where courts perform LEIN entry.

MC 239 was a form that was developed after MC 220 for a different purpose. However, MC 239 is often used in combination with MC 220.

In light of these changes, it has been suggested that MC 220 be completely revised to accomplish the goals of recalling a warrant and removing a warrant entry from LEIN.

Should MC 220 be revised for this purpose?

7. **MC 227 Application to Set Aside Conviction**

The Prosecuting Attorneys Coordinating Council (PAAC) has suggested that the link to www.michiganprosecutor.org be stricken from page 2 and the related instructions clarified.

PAAC noted that line 10 of the instructions states that the individual should visit www.michiganprosecutor.org to get the address for the prosecuting official. However, some defendants mistakenly mail their application packet to PAAC instead of the correct prosecuting official. This happens approximately once per week. The website link was originally provided because PAAC provides a user-friendly map of all county prosecutors.

Should the link to the website be removed and the language of the instructions be clarified?

8. MC 229 Motion, Affidavit, and Bench Warrant

Since 1984, MC 229 has only required the name, address, date of birth, race, sex, and driver's license number of a respondent for a bench warrant.

MDOC started using this form in 2013 for parolees, and has suggested that the bench warrant information fields be revised to include the height, weight, hair color, and eye color of a respondent if known.

Is there a reason that the additional information should not be added? See FOC 14 and CC 376 as samples.

9. MC 240 Order for Pretrial Release/Custody

It has been suggested that MC 240 be revised to comply with the 2014 amendment of MCR 6.106(B). It is suggested that an item 3c checkbox be added to allow courts to place conditions in custody orders. Should this checkbox be added? In addition, although the court rule makes clear that conditions of pretrial release apply even when a defendant does not post bond, should the form include clarification in this regard?

10. MC 263 Motion/Order of Nolle Prosequi

On MC 263, the bottom of the form states: "**TO THE DEFENDANT:** Your fingerprints and arrest card will be destroyed by the Michigan State Police within 60 days of the date of this order when permitted by MCL 28.243."

It has been suggested that this language be removed or modified. The modified language suggested is "Your fingerprints and arrest card will be destroyed by the Michigan State Police if you have been found not guilty. They may also be destroyed after motion and order for destruction of fingerprints (MC 235 and MC 392)."

Pursuant to MCL 28.243(8) and policy of the Michigan State Police, fingerprints and arrest cards are deleted only when a defendant is found not guilty, which does not apply to nolle prosequi cases.

Should the language above be removed or modified?

Comment from Hon. Richard D. Ball, 54-B District Court:

A suggestion for the nolle pros form, MC 263. Never understood why it permits a dismissal with prejudice. Only way for prejudice to attach to a criminal dismissal, so far

as I know, is via the rules of double jeopardy. Probably a lot a judges, lawyers, prosecutors out there who are not aware, or the language may induce clever defense attorneys to claim prejudice when no such thing exists. Call me cynical. If there is a reason for this language in the form that escapes me, please disregard this message. On the same form, I don't like the form language about discharging the bond and returning it, in para 5. Most of our bonds are PR. I don't want a clerk tied up for even a minute trying to convince an ignorant defendant he/she is not entitled to get the PR bond back. Same thing with the principal amount of a 10% bond.

**11. New Form: Motion for Destruction of DNA Profile and Sample
New Form: Order to Destroy DNA Profile and Sample**

It has been suggested that a motion form and order form be created for the destruction of a defendant's DNA profile and sample for use under MCL 28.176(4). The forms would be useful for allowing a defendant to petition the court to request the destruction of DNA, similar to fingerprints. Draft forms are provided.

Should the proposed forms be adopted?

12. Modification of "Fingerprints" to "Biometric Data"

2012 PA 374 amended the Bureau of Criminal Identification and Records act to define "biometric data." MCL 28.241a(b) defines biometric data as all of the following:

(i) Fingerprint images recorded in a manner prescribed by the department.

(ii) Palm print images, if the arresting law enforcement agency has the electronic capability to record palm print images in a manner prescribed by the department.

(iii) Digital images recorded during the arrest or booking process, including a full-face capture, left and right profile, and scars, marks, and tattoos, if the arresting law enforcement agency has the electronic capability to record the images in a manner prescribed by the department.

(iv) All descriptive data associated with identifying marks, scars, amputations, and tattoos.

It has been suggested that all SCAO-approved forms that contain references to fingerprints should be replaced with the term “biometric data” where appropriate.

Should this suggestion be adopted?

13. New Form: Certificate Regarding Forensic Report

It has been suggested that a certificate be created for use under MCR 6.202. A draft is provided.

Should the form be adopted?

MICHIGAN HALL OF JUSTICE

Driving Directions, Visitor Parking Information, and Maps

The Michigan Hall of Justice is located at 925 West Ottawa Street in Lansing—between Ottawa Street on the north, Allegan Street on the south, and Martin Luther King, Jr. Boulevard on the west. It is on the opposite end of the mall from the Capitol Building.

All visitors to the Hall of Justice will enter through the front doors (facing the Capitol Building) and must pass through a security check. No weapons are permitted in the Hall of Justice.

The conference center is located directly across from the main entrance on the first floor.

From the North (Mackinac Island, Traverse City)

- Take I-75 South to US-27 South (Lansing).
- Take I-69 (Flint)/US-127 (Lansing).
- Continue on US-127 South to I-496 West (DOWNTOWN LANSING) to Martin Luther King, Jr. (MLK) Boulevard North, Exit 5.
- Take MLK Boulevard north to Allegan Street and turn right. The Hall of Justice will be the large building on your left.

From the Northeast (Flint, Saginaw, Bay City)

- Take I-69 West to US-127 South to I-496 West (DOWNTOWN LANSING) to Martin Luther King, Jr. (MLK) Boulevard North, Exit 5.
- Take MLK Boulevard north to Allegan Street and turn right. The Hall of Justice will be the large building on your left.

From Detroit

- Take I-96 West to US-127 North.
- Take US-127 North to I-496 West (DOWNTOWN LANSING) to Martin Luther King, Jr. (MLK) Boulevard North, Exit 5.
- Take MLK Boulevard north to Allegan Street and turn right.
- The Hall of Justice will be the large building on your left.

From the Southeast (Ann Arbor)

- Take 23 North to I-96.
- Take I-96 West to US-127 North.
- Take US-127 North to I-496 West (DOWNTOWN LANSING) to Martin Luther King, Jr. (MLK) Boulevard North, Exit 5.
- Take MLK Boulevard north to Allegan Street and turn right. The Hall of Justice will be the large building on your left.

From the Southwest (Kalamazoo, Battle Creek)

- Take I-94 East to I-69 North.
- Follow I-69 North to I-496 East (DOWNTOWN LANSING) to Martin Luther King, Jr. (MLK) Boulevard North, Exit 5.
- Take MLK Boulevard north to Allegan Street and turn right. The Hall of Justice will be the large building on your left.

From the West (Grand Rapids, Muskegon)

- Take I-96 East to I-496 East (DOWNTOWN LANSING) to Martin Luther King, Jr. (MLK) Boulevard North, Exit 5.
- Take MLK Boulevard north to Allegan Street and turn right. The Hall of Justice will be the large building on your left.

Visitor Parking

Parking for people visiting the Hall of Justice is located on Allegan Street (across from the north side of the Michigan Library and Historical Center (MLHC), southeast of the Hall of Justice, and east of the Veteran's Memorial Park). When entering the lot, turn left into the unattended lot where pushing a button will produce a parking entry ticket. Once the ticket is in hand, proceed and park in any available spot.

Paying for Parking

- When leaving, visitors may make payment (the rate is \$1.00/hour, with a daily maximum of \$8.00) from their vehicles at the pay-in-lane machine as they exit the HOJ visitor lot or in person at the south entrance to the MLHC. Insert the entry ticket into the machine and your parking fee will be calculated.
- The machines cannot calculate a parking fee without an entry ticket. Customers that lose their entry ticket will be charged \$8.00 at the machine. To avoid the full charge, customers can go to the DMB Customer Service Center in the Hannah Building (first building east of the parking lot) on the first floor and they will be charged as if they arrived at 7:00 a.m.

Pay-in-Lane Accepts Only Credit Card Payments (No Cash!)

The visitor parking lot pay-in-lane machines have been converted to credit card payment only. Visa, MasterCard and Discover will be accepted (and pre-purchased vouchers).

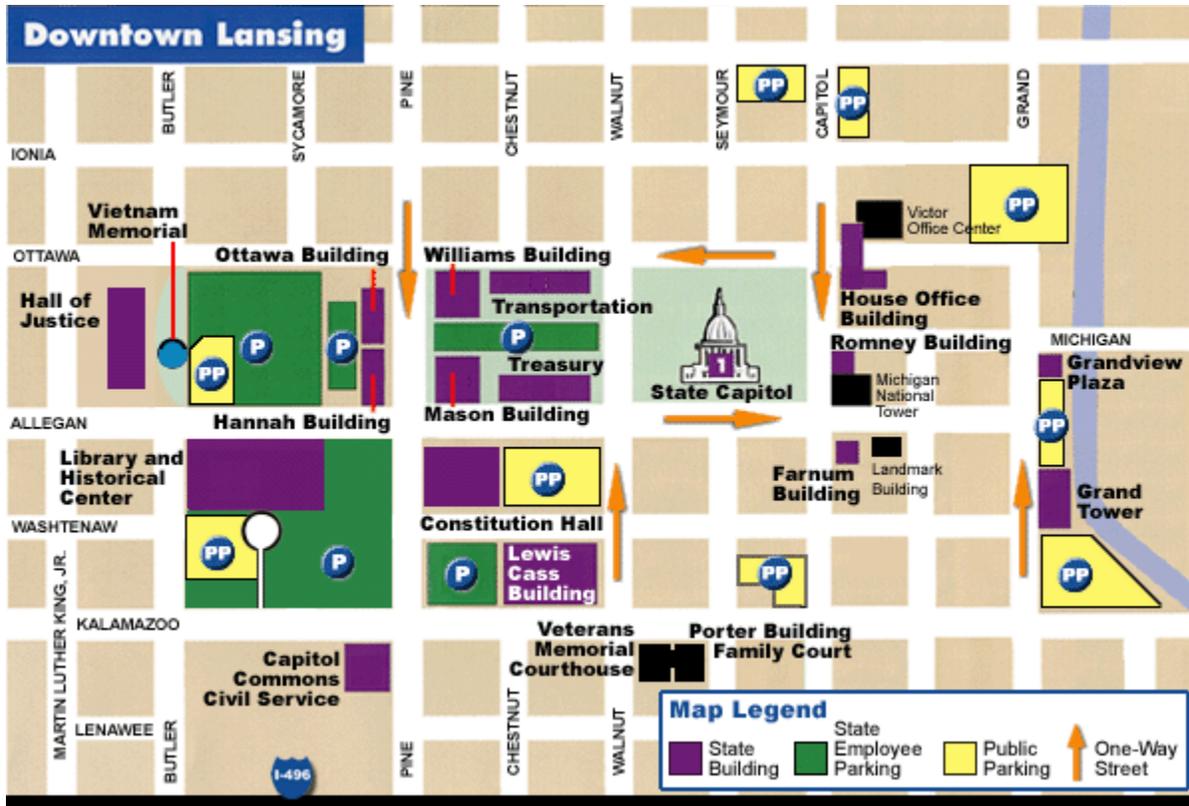
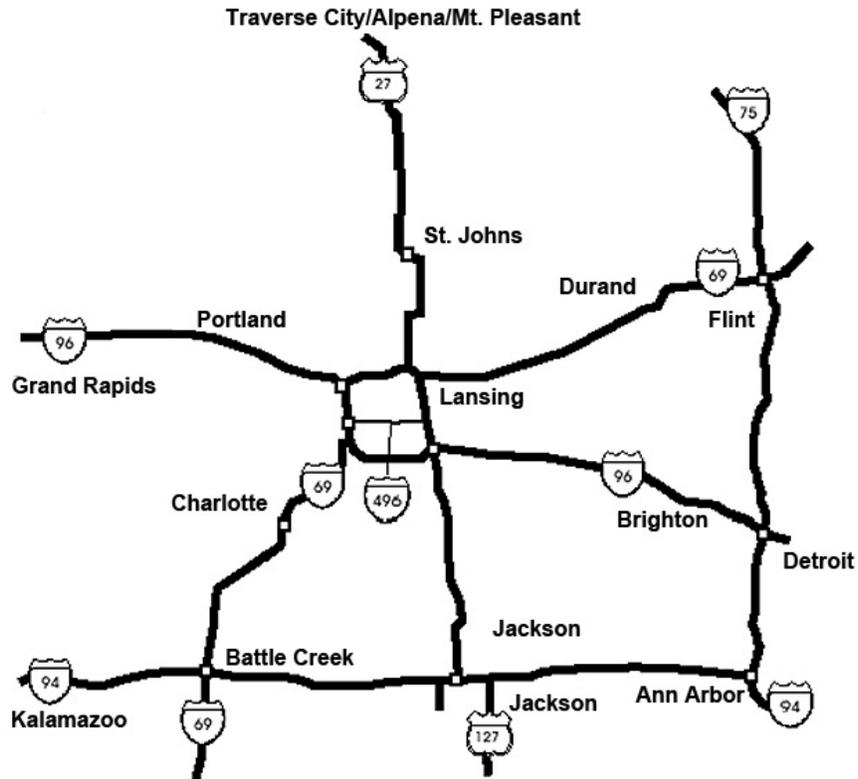
For Cash Payments

The Automated Pay Station inside the south entrance to the Michigan Library and Historical Center will accept cash and credit card payments. Also, the DTMB Parking office on the first floor of the Hannah building will accept cash, check and credit card payments Monday thru Friday from 7am to 5pm.

If Visitor Parking Is Full

In the unlikely event that the lot is full, continue east on Allegan to Pine Street. Turn right on Pine and take it one block to Kalamazoo Street. Turn right on Kalamazoo, go to the next street (Butler) and turn right, and then enter the parking lot behind the Michigan Library and Historical Center.

Maps



STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT	MOTION AND SUMMONS REGARDING PROBATION VIOLATION	CASE NO.
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ORI	Court address	Court telephone no.
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MI-
Police Report No.

THE PEOPLE OF

The State of Michigan

v

Defendant (probationer) name, address, and telephone no.

CTN/TCN	SID	DOB
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I, _____, Name of probation officer (type or print), allege that the probationer has violated the terms of his/her probation as follows:

I REQUEST that the court compel the probationer to appear for a hearing on the charges in this motion.

Date

Signature of probation officer

SUMMONS

TO DEFENDANT, IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN:

You are ordered to appear in court

at _____
 the above address

on _____ at _____ for arraignment on the alleged probation
Date Time violation. Failure to appear at the stated time and place may subject you to arrest.

Date

Judge

Bar no.

CERTIFICATE OF MAILING

I certify that on this date a copy of this motion and summons was served upon the probationer by first-class mail addressed to his/her last-known address as defined by MCR 2.107(C)(3).

Date

Signature

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT	SUMMONS Criminal	CASE NO. DISTRICT CIRCUIT
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ORI MI-	Court address	Court telephone no.
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THE PEOPLE OF <input type="checkbox"/> The State of Michigan <input type="checkbox"/> _____ v Defendant's name and address	Victim or complainant <hr/> Complaining witness			
Co-defendant(s)	Date: On or about			
City/Twp./Village	County in Michigan	Defendant CTN	Defendant SID	Defendant DOB
Police agency report no.	Charge	Maximum penalty		
Witnesses		Defendant DLN		

STATE OF MICHIGAN, COUNTY OF _____ .
 The complaining witness has filed a sworn complaint in this court stating that on the date and the location described, the defendant, contrary to law,

IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN _____

TAKE NOTICE: YOU ARE SUMMONED TO APPEAR for arraignment on _____
Day and date
 at _____ m., at the address above _____, Michigan,
Time Location

before the presiding judge. If you fail to appear, a warrant will be issued for your arrest upon the prosecutor's request.

This summons expires on the date of hearing. If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangements.

This document must be sealed by the seal of the court.

Requested on _____ by: <small>Date</small>
_____ Prosecuting official

Date

Judge/Magistrate/Court clerk

Bar no.

SUMMONS, Criminal

Case No. _____

PROOF OF SERVICE

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE

OFFICER CERTIFICATE

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party [MCR 2.104(A)(2)], and that: (notary not required)

OR

AFFIDAVIT OF PROCESS SERVER

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notary required)

- I served personally a copy of the summons,
- I served by registered or certified mail (copy of return receipt attached) a copy of the summons,

together with _____, on:
Attachment

Defendant's name	Complete address(es) of service	Day, date, time

I have personally attempted to serve the summons, together with _____, on _____, at _____ and have been unable to complete service.
Attachment
Name
Address

I declare that the statements above are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Mileage fee	Total fee
\$		\$	\$

Signature

Name (type or print)

Title

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Date Signature: _____
Deputy court clerk/Notary public

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons, together with _____, on _____, on behalf of _____.
Attachment
Day, date, time
Signature

Forms MC 406a and MC 406b

**PETITION TO DISCONTINUE
SEX OFFENDER REGISTRATION
AND ORDER**

Use these forms if you want to ask the court to grant you permission to discontinue the requirement to register with a Sex Offender Registration authority.

PETITION CHECKLIST

Use the following checklist to make sure you have done all the steps that are needed.

DID YOU . . .

1. Read all the information in the Self-Help Center at http://courts.michigan.gov/scao/selfhelp/intro/criminal/sora_help.htm YES
2. Determine your eligibility to have your registration requirement discontinued? See pages 3, 4, and 5. YES
3. Complete the petition form? See page 9 for instructions. YES
4. File the petition with the court? See page 6. YES
5. Mail (serve) a copy of the petition to the prosecuting official? See page 6. YES
6. Complete and file the proof of service with the clerk's office **after** you mailed the petition? See page 6. YES
7. Keep one copy of the petition packet for yourself? YES

If you cannot answer "yes" to all the above steps, a hearing on your petition may be delayed or your petition may be dismissed.

By using this form packet you are representing yourself in a court action to try to discontinue your requirement to register with a Sex Offender Registration authority. You must follow the instructions in this packet. If you fail to do even one of the required steps, the order you get from the court may not give you what you want.

If you have questions about any steps in the process, refer to pages 3 through 8 of this booklet for details and review the information in the Self-Help Center at http://courts.michigan.gov/scao/selfhelp/intro/criminal/sora_help.htm. You may wish to consult an attorney.

INSTRUCTIONS FOR USING FORM MC 406a FILING AND SERVING A PETITION

»» DEFINITION: Discontinuing Sex Offender Registration

An order discontinuing sex offender registration removes the obligation of an individual, who has been convicted or adjudicated of a listed offense as defined in MCL 28.722, to register and update information about himself or herself as required by the Sex Offenders Registration Act. An order discontinuing sex offender registration also deletes that individual's registration information from the Michigan State Police sex offender registry database and the public sex offender website. **An order discontinuing sex offender registry does not remove a conviction from the individual's criminal history record.**

»» FILING A PETITION

1. Do You Qualify to File a Petition?

A person who petitions to discontinue sex offender registration must meet certain conditions. To find out if you qualify to have your registration requirement discontinued, read the following directions. Also, if you already filed a petition to discontinue sex offender registration and it was denied after a court hearing, you cannot file another petition. Michigan law outlines five circumstances describing when an individual is eligible to petition to discontinue sex offender registration:

- If you were convicted as an adult and are a Tier I offender, you may be eligible to petition the court. To determine what Tier you have been classified in, you can look for your name on the Michigan Sex Offender Registry Website, www.mipsor.state.mi.us. The definition of Tier I offender can be found in MCL 28.722(r). If you were convicted as an adult and are a Tier I offender, answer the questions in Box A on page 4.
- If you were adjudicated when you were a juvenile (less than 17 years of age) and are a Tier III offender, you may be eligible to petition the court. To determine what Tier you have been classified in, contact your registering authority. The definition of Tier III offender can be found in MCL 28.722(v). If you were adjudicated as a juvenile and are a Tier III offender, answer the questions in Box B on page 4.
- If you were convicted of an offense listed in MCL 28.722(s), (u), or (w) that was the result of a consensual sexual act between you and the victim, you may be eligible to petition the court. Answer the questions in Box C on page 5.
- If you were registered under the Sex Offenders Registration Act before July 1, 2011 for an offense that required registration but that registration is no longer required on or after July 1, 2011, continue to item 2 on page 5. The Michigan State Police may have made the determination that you are no longer required to register. Before filing a petition with the court to discontinue your registration requirements, contact your registering authority to find out if your sex offender registration requirement was already discontinued.
- If you were adjudicated as a juvenile for an offense listed in MCL 28.722(s), (u), or (w) and you were less than 14 years of age at the time of the offense, continue to item 2 on page 5. The Michigan State Police may have made the determination that you are no longer required to register. Before filing a petition with the court to discontinue your registration requirements, contact your registering authority to find out if your sex offender registration requirement was already discontinued.

A: Convicted as an Adult (If a statement is true, check "Yes." If a statement is not true, check "No.")

It has been 10 or more years since the date of my conviction, or if I was confined, it has been more than 10 years since I was released. Yes No

I have not been convicted of any felony since the date of my conviction, or if I was confined, since the date I was released. Yes No

I have not been convicted of any offense listed in MCL 28.722(s), (u), or (w) since the date of my conviction, or if I was confined, since the date I was released. Yes No

I have successfully completed my assigned period of supervised release, probation, or parole without revocation at any time of that supervised release, probation, or parole. Yes No

If ordered, I have successfully completed a sex offender treatment program certified by the United States Attorney General under 42 USC 16915(B)(1) or another appropriate sex offender treatment program. Yes No

If all the above statements are checked **yes**, you may be eligible to have your registration requirement discontinued. Continue to item 3 on page 5. If any box is checked no, you are not eligible to have your registration requirement discontinued under MCL 28.728c(1). However, you may still be eligible if you were convicted of an offense in MCL 28.722(s), (u), or (w) that was the result of a consensual act between you and the victim. If so, continue to Box C on page 5. If you are unsure if you are eligible, you should consult an attorney.

MCL 28.728c(1), (12)

B: Adjudicated as a Juvenile (If a statement is true, check "Yes." If a statement is not true, check "No.")

I was required to register based on an order of disposition that is open to the public under MCL 712A.28. Yes No

It has been 25 or more years since the date of my adjudication, or if I was confined, it has been more than 25 years since I was released. Yes No

I have not been convicted of any felony since the date of my adjudication, or if I was confined, since the date I was released. Yes No

I have not been convicted of any offense listed in MCL 28.722(s), (u), or (w) since the date of my adjudication, or if I was confined, since the date I was released. Yes No

I have successfully completed my assigned period of supervised release, probation, or parole without revocation at any time of that supervised release, probation, or parole. Yes No

If ordered, I have successfully completed a sex offender treatment program certified by the United States Attorney General under 42 USC 16915(B)(1) or another appropriate sex offender treatment program. Yes No

If all the above statements are checked **yes**, you may be eligible to have your registration requirement discontinued. Continue to item 3 on page 5. If any box is checked no, you are not eligible to have your registration requirement discontinued under MCL 28.728c(2). However, you may still be eligible if you were convicted of an offense in MCL 28.722(s), (u), or (w) that was the result of a consensual act between you and the victim. If so, continue to Box C on page 5. If you are unsure if you are eligible, you should consult an attorney.

MCL 28.728c(2), (13)

C: Consensual Sexual Act (If a statement is true, check "Yes." If a statement is not true, check "No.")

I was convicted of an offense listed in MCL 28.722(s), (u), or (w) and the offense was the result of a consensual sexual act between me and the victim.

Yes No

If you checked **no**, you are not eligible to have your registration requirement discontinued. If the above statement is checked **yes**, answer the following three questions.

The victim was 13 years of age or older but less than 16 years of age at the time of the offense and I was not more than 4 years older than the victim.

Yes No

I was convicted of a violation of MCL 750.158, 750.338, 750.338a, or 750.338b and the victim was 13 years of age or older but less than 16 years of age at the time of the violation and I was not more than 4 years older than the victim.

Yes No

I was convicted of a violation of MCL 750.158, 750.338, 750.338a, 750.338b, or 750.520c(1)(i) and the victim was 16 years of age or older and not under my custodial authority at the time of the violation.

Yes No

If one of the above three statements is checked **yes**, you may be eligible to have your registration requirement discontinued. Continue to item 3 below. If all boxes are checked no, you are not eligible to have your registration requirement discontinued under MCL 28.728c(3). If you are unsure if you are eligible, you should consult an attorney.

MCL 28.728c(3), (14), (15)

2. Do You Need An Attorney?

In order to ask the court to discontinue your requirement to register with a sex offender registration authority, you must file a petition with the court in which you were convicted or adjudicated. You can either hire an attorney or you can represent yourself. If you can follow all the steps outlined in this packet, you may not need an attorney. However, if after reading this packet you think you need assistance, you should call an attorney.

If you decide to represent yourself, complete the checklist on page 2 to make sure you have done everything that is required.

3. Complete Form MC 406a, Petition to Discontinue Sex Offender Registration

Print form MC 406a, Petition to Discontinue Sex Offender Registration, from the website. Use the information from the copy of your conviction or adjudication to fill in the blanks on the petition form. Follow the instructions on page 9.

4. Signing the Petition Under Oath

Now that the petition (form MC 406a) is completed, you must sign your petition under oath in front of a notary public (you can find a notary at a bank) or the clerk of the court. Bring your photo identification with you when you sign the petition.

If you sign your petition in front of a notary public, you can sign one petition form (see item 5a for details) and make three additional copies of your petition after it is notarized. If you go the court in person, make four copies of your petition beforehand and sign all four copies of the petition form (see item 5b for details). Either way is acceptable; however, it is a good idea to file your petition in person with the court. That way, if you have forgotten something or need to change something, you can take care of it right away. If you decide to sign your petition in front of a notary public, you can still file your petition in person with the court.

5a Signing Before a Notary Public: Take the petition (form MC 406a) that you prepared as directed in item 4 and your photo identification to a notary public. Sign the petition in front of the notary public. There may be a fee for this.

5b Signing Before the Clerk of the Court: Make four copies of the petition (form MC 406a). Take all four copies and your photo identification to the clerk of the court where you were convicted. Sign all four copies of the petition in front of the clerk of the court.

6. Filing the Petition with the Court

You can file your petition (form MC 406a) in person with the court or by mailing it to the court. If you file by mail, you must include a postage-paid envelope in order for the court to return three forms to you after the clerk of the court records the filing of your petition. At the time of filing, the clerk of the court will write the name of the judge assigned to your case on all four copies of your petition.

The clerk of the court will set a hearing date at the time of filing. The clerk of the court will complete the **Notice of Hearing** section on all four copies of your petition (form MC 406a) and return the remaining three copies of the petition to you.

»» SERVING THE PETITION

When you receive the three remaining copies of the petition (form MC 406a) from the court, serve one copy on (mail it to) the prosecuting official by first-class mail no later than 30 days before the hearing date on the petition. Get the address from the clerk or see www.michiganprosecutor.org.

7. Fill Out the Proof of Service and File With the Court

You should have two copies of the petition left. One of these copies is for you to keep for your records. The other copy is for filing proof of service with the court.

On both copies of the petition, fill out the **Certificate of Mailing** at the bottom of the form. Write in the date that you mailed the petition to the prosecuting official. Then date and sign the **Certificate of Mailing**.

After you fill out and sign the **Certificate of Mailing**, mail one of the remaining petitions (form MC 406a) with the completed **Certificate of Mailing** to the court. This shows the court that you mailed a copy to the prosecuting official.

»» INFORMATION ABOUT THE PETITION PROCESS

The prosecuting official will review your petition and also has the opportunity to participate in the hearing and to seek appellate review of any decision on the petition. The prosecuting official may or may not appear at the hearing. In addition, the prosecuting official is required to notify the victim when a petition has been filed to discontinue sex offender registration. The victim has the right to appear at the hearing on the petition and to make a written or an oral statement.

»» PREPARING FOR THE HEARING

On the hearing date, any of the following may happen:

- The prosecuting official may attend the hearing to contest the petition. In that case, the court will hear what the prosecuting official has to say before making its decision.
- If the prosecuting official does not attend the hearing to contest the petition, the court will make its decision based on the court's own records, as well as any response that may have been filed on behalf of the prosecuting official.
- If the victim attends the hearing and/or provides an oral or a written statement, the court will consider that statement before making its decision.
- You will have the opportunity to speak to the court at the hearing. If you do not appear, your petition may be dismissed.

When you go to court for the hearing, take your copy of the petition (form MC 406a) with you.

»» INFORMATION ABOUT ATTENDING THE HEARING

The hearing will usually take place at the court where the petition was filed. It is important for you to arrive to court on time; if you file a petition and are not in court when your case is called, the petition may be dismissed or denied. Bring your petition.

1. If you are representing yourself, you are expected to conduct yourself as an attorney and to follow the same general rules as an attorney.
2. Go to the judge's courtroom on the scheduled day and time. Dress neatly. Arrive 10 or 15 minutes early.
3. Go into the courtroom, take a seat, and wait for your case to be called. Do not interrupt any hearing in progress.
4. The court clerk will call the case and you will have the opportunity to explain your request to the judge.
5. When your case is called by the clerk or the judge, go to the front of the courtroom and clearly state:

- 1) your name.
- 2) that you are representing yourself.
- 3) that you are seeking to have the court discontinue your sex offender registration requirement.
- 4) the facts or reasons for your request.

Answer the judge's questions clearly and directly.

6. The judge will ask the prosecuting official, if present, to state any objections.
7. If the judge determines that your circumstances warrant discontinuing sex offender registration, the court will prepare an order.

»» GETTING YOUR ORDER

The court prepares and signs an order after the hearing. The court will provide you and the Michigan State Police with a copy of the order. After the Michigan State Police receives a copy of the order discontinuing sex offender registration, your registration information will be removed from the department's computerized law enforcement database pursuant to MCL 28.728d and from the public sex offender website pursuant to MCL 28.728 (6). If the court denies your request to discontinue registration, your registration will remain public. An order discontinuing sex offender registry does not remove a conviction or adjudication from the individual's criminal history record.

**INSTRUCTIONS FOR COMPLETING
"PETITION TO DISCONTINUE SEX OFFENDER REGISTRATION"**

Please print neatly. After filling in the form, you will need to print four copies of the form.

Items A through F must be completed before your petition can be filed with the court. Please read the instructions for each item. Fill in the correct information for that item on the form.

- A** Before you fill in the Case No., get the court papers of your conviction and copy the Case No. from those court papers onto this form.
- B** Use your court papers to write in the ORI Number, if available. You do not need to fill in the court address and telephone number.
- C** Use your court papers to fill in the boxes for the plaintiff and defendant or for "In the Matter of." Copy the names from these court papers onto this form.
- D** Use your court papers to write in the date of your conviction/adjudication and the offense for which you were convicted/adjudicated. If you were not confined for this offense, check the first box. If you were confined for this offense, check the second box and write in the date you were released from confinement.
- E** Check the box that best describes your situation. Make sure that the statement you check is true.
- F** **DO NOT SIGN YOUR NAME** until you are standing in front of a notary or the clerk of the court.
- G** **DO NOT WRITE IN THIS SECTION.** The notary public or clerk of the court will complete this section.
- H** File your application with the court. The clerk of the court will complete the Notice of Hearing. See page 6 of this packet for details.
- I** Read page 6 of this packet for details about mailing this form to the prosecuting official. On the date you mail the copies, write in the date and sign your name on the remaining two copies. Mail or take one copy to the clerk of the court.

**You must read this booklet and the information on the Self-Help Center
at http://courts.michigan.gov/scao/selfhelp/intro/criminal/sora_help.htm
for directions on the legal process.**

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	PETITION TO DISCONTINUE SEX OFFENDER REGISTRATION	(A) CASE NO.
--	--	---------------------

(B) ORI MI- _____ Court address _____ Court telephone no. _____

(C) THE PEOPLE OF The State of Michigan _____ **v** Defendant name, address, and telephone no. _____

CTN	SID	DOB
-----	-----	-----

In the Matter of _____
Juvenile name, DOB, alias(es)

- (D)** 1. On _____ I was convicted of the following offense _____.
 I was not confined for this offense. I completed the term of confinement for this offense on _____.
- (E)** 2. a. I am a Tier I offender and at least 10 years have passed since I was convicted or since I was released from confinement for the conviction. **OR**
 I am a Tier III offender and at least 25 years have passed since I was adjudicated or since I was released from confinement for the adjudication.

AND

- 1) I have not been convicted of any felony or any offense listed in MCL 28.722(s), (u), or (w) since the date of my conviction or the date of my release from any confinement for this conviction.
 - 2) I have successfully completed my assigned period of supervised release, probation, or parole without revocation at any time of that supervised release, probation, or parole.
 - 3) I was ordered to complete a sex offender treatment program and I successfully completed that program.
 - b. I was convicted of an offense listed in MCL 28.722(s), (u), or (w), and the conviction was for an offense that was the result of a consensual sexual act between me and the victim, and the victim was 13 years of age or older but less than 16 years of age at the time of the offense and I was not more than 4 years older than the victim.
 - c. I was convicted of a violation of MCL 750.158, 750.338, 750.338a, 750.338b, or 750.520c(1)(i) as a result of a consensual act and the victim was 16 years of age or older and not under my custodial authority at the time of the violation.
 - d. I was registered under the Sex Offenders Registration Act before July 1, 2011 for an offense that required registration and the offense no longer requires registration.
 - e. I was adjudicated as a juvenile for an offense listed in MCL 28.722(s), (u), or (w), and I was less than 14 years of age at the time of the offense.
3. **I request** that the court issue an order to discontinue sex offender registration as provided by law.

(F) _____
Petitioner signature

(G) Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Date Signature: _____
Deputy clerk/Notary public

Notary public, State of Michigan, County of _____

NOTICE OF HEARING

(H) A hearing will be held on the above petition to discontinue registration on _____ at _____
Date Time
at _____ before _____
Location Bar no.

NOTE: The victim has the right to attend this hearing and to make a written or an oral statement to the court before any decision regarding this petition is made. The victim is not required to appear at this hearing against his or her will.

CERTIFICATE OF MAILING

I certify that a copy of this petition and notice of hearing was served on the prosecuting official on _____
by first-class mail addressed to the last-known address. Date

(I) _____ Date _____
Petitioner/Attorney signature

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	ORDER ON PETITION TO DISCONTINUE SEX OFFENDER REGISTRATION	CASE NO.
--	---	-----------------

ORI MI-	Court address	Court telephone no.
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THE PEOPLE OF	<input type="checkbox"/> The State of Michigan <input type="checkbox"/> _____ _____
---------------	---

v

Defendant's name, address, and telephone no.		
CTN/TCN	SID	DOB

In the Matter of _____
Juvenile name, DOB, alias(es)

Date of conviction/adjudication	Charge
---------------------------------	--------

THE COURT FINDS:

1. a. The defendant is a Tier I offender and at least 10 years have passed since the defendant was convicted or released from confinement for the conviction and:
 - 1) the defendant has not been convicted of any felony or any offense listed in MCL 28.722(s), (u), or (w) since the date of that conviction or the date of release from any confinement for this conviction.
 - 2) the defendant has successfully completed an assigned period of supervised release, probation, or parole without revocation at any time of that supervised release, probation, or parole.
 - 3) the defendant was ordered to complete a sex offender treatment program and successfully completed that program.
 - 4) after considering the defendant's age and level of maturity at the time of the offense, the victim's age and level of maturity at the time of the offense, the nature of the offense, the severity of the offense, the defendant's prior criminal history, the defendant's likelihood to commit further listed offenses, any impact statement from the victim, and other relevant information, the defendant is not a continuing threat to the public.
- b. The defendant is a Tier III offender and at least 25 years have passed since the defendant was adjudicated or released from confinement for the adjudication and:
 - 1) the defendant has not been convicted of any felony or any offense listed in MCL 28.722(s), (u), or (w) since the date of that conviction or the date of release from any confinement for that conviction.
 - 2) the defendant has successfully completed an assigned period of supervised release, probation, or parole without revocation at any time of that supervised release, probation, or parole.
 - 3) the defendant was ordered to complete a sex offender treatment program and successfully completed that program.
 - 4) after considering the defendant's age and level of maturity at the time of the offense, the victim's age and level of maturity at the time of the offense, the nature of the offense, the severity of the offense, the defendant's prior juvenile or criminal history, the defendant's likelihood to commit further listed offenses, any impact statement from the victim, and other relevant information, the defendant is not a continuing threat to the public.
- c. The defendant was convicted of an offense listed in MCL 28.722(s), (u), or (w), and the conviction was for an offense that was the result of a consensual sexual act between the defendant and the victim, and the victim was at least age 13 but less than 16 years of age at the time of the offense and the defendant was not more than 4 years older than the victim.
- d. The defendant was convicted of a violation of MCL 750.158, 750.338, 750.338a, 750.338b, or 750.520c(1)(i) as a result of a consensual act and the victim was 16 years of age or older and not under the defendant's custodial authority at the time of the violation.
- e. The defendant was registered under the Sex Offenders Registration Act before July 1, 2011 for an offense that required registration and the offense no longer requires registration.
- f. The defendant was adjudicated as a juvenile for an offense listed in MCL 28.722(s), (u), or (w), and was less than 14 years of age at the time of the offense.

IT IS ORDERED:

2. The requirement for sex offender registration is discontinued.
3. The petition to discontinue sex offender registration is denied.

_____ Date

_____ Judge

_____ Bar no.

Act No. 130
Public Acts of 2014
Approved by the Governor
May 22, 2014
Filed with the Secretary of State
May 22, 2014
EFFECTIVE DATE: July 1, 2014

STATE OF MICHIGAN
97TH LEGISLATURE
REGULAR SESSION OF 2014

Introduced by Reps. O'Brien, Schmidt and Kesto

ENROLLED HOUSE BILL No. 5263

AN ACT to amend 1985 PA 87, entitled "An act to establish the rights of victims of crime and juvenile offenses; to provide for certain procedures; to establish certain immunities and duties; to limit convicted criminals from deriving profit under certain circumstances; to prohibit certain conduct of employers or employers' agents toward victims; and to provide for penalties and remedies," by amending section 61 (MCL 780.811), as amended by 2009 PA 28.

The People of the State of Michigan enact:

Sec. 61. (1) Except as otherwise defined in this article, as used in this article:

(a) "Serious misdemeanor" means 1 or more of the following:

(i) A violation of section 81 of the Michigan penal code, 1931 PA 328, MCL 750.81, assault and battery, including domestic violence.

(ii) A violation of section 81a of the Michigan penal code, 1931 PA 328, MCL 750.81a, assault; infliction of serious injury, including aggravated domestic violence.

(iii) A violation of section 115 of the Michigan penal code, 1931 PA 328, MCL 750.115, breaking and entering or illegal entry.

(iv) A violation of section 136b(7) of the Michigan penal code, 1931 PA 328, MCL 750.136b, child abuse in the fourth degree.

(v) A violation of section 145 of the Michigan penal code, 1931 PA 328, MCL 750.145, contributing to the neglect or delinquency of a minor.

(vi) A misdemeanor violation of section 145d of the Michigan penal code, 1931 PA 328, MCL 750.145d, using the internet or a computer to make a prohibited communication.

(vii) A violation of section 233 of the Michigan penal code, 1931 PA 328, MCL 750.233, intentionally aiming a firearm without malice.

(viii) A violation of section 234 of the Michigan penal code, 1931 PA 328, MCL 750.234, discharge of a firearm intentionally aimed at a person.

(ix) A violation of section 235 of the Michigan penal code, 1931 PA 328, MCL 750.235, discharge of an intentionally aimed firearm resulting in injury.

(x) A violation of section 335a of the Michigan penal code, 1931 PA 328, MCL 750.335a, indecent exposure.

(xi) A violation of section 411h of the Michigan penal code, 1931 PA 328, MCL 750.411h, stalking.

(xii) A violation of section 601b(2) of the Michigan vehicle code, 1949 PA 300, MCL 257.601b, injuring a worker in a work zone.

(*xiii*) A violation of section 617a of the Michigan vehicle code, 1949 PA 300, MCL 257.617a, leaving the scene of a personal injury accident.

(*xiv*) A violation of section 625 of the Michigan vehicle code, 1949 PA 300, MCL 257.625, operating a vehicle while under the influence of or impaired by intoxicating liquor or a controlled substance, or with an unlawful blood alcohol content, if the violation involves an accident resulting in damage to another individual's property or physical injury or death to another individual.

(*xv*) Selling or furnishing alcoholic liquor to an individual less than 21 years of age in violation of section 701 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1701, if the violation results in physical injury or death to any individual.

(*xvi*) A violation of section 80176(1) or (3) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80176, operating a vessel while under the influence of or impaired by intoxicating liquor or a controlled substance, or with an unlawful blood alcohol content, if the violation involves an accident resulting in damage to another individual's property or physical injury or death to any individual.

(*xvii*) A violation of a local ordinance substantially corresponding to a violation enumerated in subparagraphs (*i*) to (*xvi*).

(*xviii*) A violation charged as a crime or serious misdemeanor enumerated in subparagraphs (*i*) to (*xvii*) but subsequently reduced to or pleaded to as a misdemeanor. As used in this subparagraph, "crime" means that term as defined in section 2.

(b) "Crime victim services commission" means that term as described in section 2 of 1976 PA 223, MCL 18.352.

(c) "Defendant" means a person charged with or convicted of having committed a serious misdemeanor against a victim.

(d) "Final disposition" means the ultimate termination of the criminal prosecution of a defendant including, but not limited to, dismissal, acquittal, or imposition of a sentence by the court.

(e) "Person" means an individual, organization, partnership, corporation, or governmental entity.

(f) "Prisoner" means a person who has been convicted and sentenced to imprisonment for having committed a serious misdemeanor against a victim.

(g) "Prosecuting attorney" means the prosecuting attorney for a county, an assistant prosecuting attorney for a county, the attorney general, the deputy attorney general, an assistant attorney general, a special prosecuting attorney, or, in connection with the prosecution of an ordinance violation, an attorney for the political subdivision that enacted the ordinance upon which the violation is based.

(h) "Victim" means any of the following:

(*i*) An individual who suffers direct or threatened physical, financial, or emotional harm as a result of the commission of a serious misdemeanor, except as provided in subparagraph (*ii*), (*iii*), or (*iv*).

(*ii*) The following individuals other than the defendant if the victim is deceased:

(A) The spouse of the deceased victim.

(B) A child of the deceased victim if the child is 18 years of age or older and sub-subparagraph (A) does not apply.

(C) A parent of a deceased victim if sub-subparagraphs (A) and (B) do not apply.

(D) The guardian or custodian of a child of a deceased victim if the child is less than 18 years of age and sub-subparagraphs (A) to (C) do not apply.

(E) A sibling of the deceased victim if sub-subparagraphs (A) to (D) do not apply.

(F) A grandparent of the deceased victim if sub-subparagraphs (A) to (E) do not apply.

(*iii*) A parent, guardian, or custodian of a victim who is less than 18 years of age and who is neither the defendant nor incarcerated, if the parent, guardian, or custodian so chooses. For the purpose of making an impact statement only, a parent, guardian, or custodian of a victim who is less than 18 years of age at the time of the commission of the crime and who is neither the defendant nor incarcerated, if the parent, guardian, or custodian so chooses.

(*iv*) A parent, guardian, or custodian of a victim who is so mentally incapacitated that he or she cannot meaningfully understand or participate in the legal process if he or she is not the defendant and is not incarcerated.

(2) If a victim as defined in subsection (1)(h)(*i*) is physically or emotionally unable to exercise the privileges and rights under this article, the victim may designate his or her spouse, child 18 years of age or older, parent, sibling, or grandparent or any other person 18 years of age or older who is neither the defendant nor incarcerated to act in his or her place while the physical or emotional disability continues. The victim shall provide the prosecuting attorney with the name of the person who is to act in place of the victim. During the physical or emotional disability, notices to be provided under this article to the victim shall continue to be sent only to the victim.

(3) An individual who is charged with a serious misdemeanor, a crime as defined in section 2, or an offense as defined in section 31 arising out of the same transaction from which the charge against the defendant arose is not eligible to exercise the privileges and rights established for victims under this article.

(4) An individual who is incarcerated is not eligible to exercise the privileges and rights established for victims under this article except that he or she may submit a written statement to the court for consideration at sentencing.

Enacting section 1. This amendatory act takes effect July 1, 2014.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor

STATE OF MICHIGAN JUDICIAL DISTRICT	COMPLAINT MISDEMEANOR	CASE NO.
--	----------------------------------	-----------------

ORI MI-	Court address	Court telephone no.
-------------------	---------------	---------------------

THE PEOPLE OF Defendant's name and address <input type="checkbox"/> The State of Michigan v <input type="checkbox"/> _____	Victim or complainant Complaining witness
--	--

Codefendant(s)	Date: On or about
----------------	-------------------

City/Twp./Village	County in Michigan	Defendant TCN	Defendant CTN	Defendant SID	Defendant DOB
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Police agency report no.	Charge	Maximum penalty
--------------------------	--------	-----------------

<input type="checkbox"/> A sample for chemical testing for DNA identification profiling is on file with the Michigan State Police from a previous case.	<input type="checkbox"/> Oper./Chauf. <input type="checkbox"/> CDL	Vehicle Type	Defendant DLN
---	---	--------------	---------------

Witnesses

STATE OF MICHIGAN, COUNTY OF _____ .

The complaining witness says that on the date and at the location described, the defendant, contrary to law,

The complaining witness asks that defendant be apprehended and dealt with according to law.

(Peace officers only) I declare that the statements above are true to the best of my information, knowledge, and belief.

Warrant authorized on _____ by: Date _____	_____ Complaining witness signature
_____ Prosecuting official	Subscribed and sworn to before me on _____ . Date _____
_____ Judge/Court clerk/Magistrate	

STATE OF MICHIGAN JUDICIAL DISTRICT	WARRANT MISDEMEANOR	CASE NO.
--	--------------------------------	-----------------

ORI	Court address	Court telephone no.
-----	---------------	---------------------

THE PEOPLE OF <input type="checkbox"/> The State of Michigan v <input type="checkbox"/> _____ Defendant's name and address	Victim or complainant <hr/> Complaining witness
---	--

Codefendant(s)	Date: On or about
----------------	-------------------

City/Twp./Village	County in Michigan	Defendant TCN	Defendant CTN	Defendant SID	Defendant DOB
-------------------	--------------------	---------------	---------------	---------------	---------------

Police agency report no.	Charge	Maximum penalty
--------------------------	--------	-----------------

<input type="checkbox"/> A sample for chemical testing for DNA identification profiling is on file with the Michigan State Police from a previous case.	<input type="checkbox"/> Oper./Chauf. <input type="checkbox"/> CDL	Vehicle Type	Defendant DLN
---	---	--------------	---------------

Witnesses

STATE OF MICHIGAN, COUNTY OF _____ .

To any peace officer or court officer authorized to make an arrest: The complaining witness has filed a sworn complaint in this court stating that on the date and the location described, the defendant, contrary to law,

Upon examination of the complaint, I find probable cause to believe defendant committed the offense set forth. **THEREFORE, IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN,**

- a. I order you to arrest and bring defendant before the _____ District Court immediately.
- b. I order you to bring defendant before the _____ District Court.
- c. The defendant may be released when a cash bond is posted in the amount of \$ _____ for personal appearance before the court.

Date

(SEAL)

Judge/Magistrate

Bar no.

By virtue of this warrant, the defendant has been taken into custody as ordered.

Date

Peace officer

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT	WARRANT MISDEMEANOR <input type="checkbox"/> Traffic <input type="checkbox"/> Nontraffic	CASE NO. COURT ORI
---	--	----------------------------------

Court address

Court telephone no.

THE PEOPLE OF

The State of Michigan

V

Defendant

TO: Any peace officer or court officer authorized to make an arrest.

Upon examination of the citation, I find probable cause to believe the defendant committed the offense set forth.

THEREFORE, IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN, I command you to arrest and bring defendant before the court immediately, or defendant may be released when a cash interim bond is posted in the amount of \$ _____ for personal appearance before the court.

Date

Judge/Magistrate

(SEAL)

Authorized on _____ by:
Date

Prosecuting official

By virtue of this warrant, the defendant has been taken into custody as commanded.

Date

Arresting official

↓
 COPY OF CITATION
 ↓

Approved, SCAO

Information - Circuit court
Original complaint - Court
Warrant - Court

Bindover/Transfer - Circuit/Juvenile court
Complaint copy - Prosecutor
Complaint copy - Defendant/Attorney

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT	INFORMATION FELONY	CASE NO. DISTRICT CIRCUIT
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District Court ORI: MI-

Circuit Court ORI: MI-

Defendant's name and address				Victim or complainant	
THE PEOPLE OF THE STATE OF MICHIGAN v				Complaining witness	
				Date: On or about	
Codefendant(s)					
City/Twp./Village	County in Michigan	Defendant TCN	Defendant CTN	Defendant SID	Defendant DOB
Police agency report no.	Charge			Maximum penalty	
<input type="checkbox"/> A sample for chemical testing for DNA identification profiling is on file with the Michigan State Police from a previous case.		<input type="checkbox"/> Oper./Chauf. <input type="checkbox"/> CDL	Vehicle Type	Defendant DLN	

Witnesses

STATE OF MICHIGAN, COUNTY OF _____
IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN: The prosecuting attorney for this county appears before the court and informs the court that on the date and at the location described, the defendant:

and against the peace and dignity of the State of Michigan.

Prosecuting Attorney

By: _____

Date

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT	COMPLAINT FELONY	CASE NO. DISTRICT CIRCUIT
---	-----------------------------	---

District Court ORI: MI-

Circuit Court ORI: MI-

Defendant's name and address THE PEOPLE OF THE STATE OF MICHIGAN v				Victim or complainant	
Codefendant(s)				Complaining witness	
Date: On or about				Date: On or about	
City/Twp./Village	County in Michigan	Defendant TCN	Defendant CTN	Defendant SID	Defendant DOB
Police agency report no.	Charge			Maximum penalty	
<input type="checkbox"/> A sample for chemical testing for DNA identification profiling is on file with the Michigan State Police from a previous case.		<input type="checkbox"/> Oper./Chauf. <input type="checkbox"/> CDL	Vehicle Type	Defendant DLN	

Witnesses

STATE OF MICHIGAN, COUNTY OF _____ .

The complaining witness says that on the date and at the location described, the defendant, contrary to law,

The complaining witness asks that defendant be apprehended and dealt with according to law.

Warrant authorized on _____ by:
Date

Prosecuting official

Security for costs posted

Complaining witness signature

Subscribed and sworn to before me on _____ .
Date

Judge/Magistrate/Clerk Bar no.

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT	WARRANT FELONY	CASE NO. DISTRICT CIRCUIT
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District Court ORI: MI-

Circuit Court ORI: MI-

Defendant's name and address THE PEOPLE OF THE STATE OF MICHIGAN v				Victim or complainant	
Codefendant(s)				Complaining witness	
Date: On or about				Date: On or about	
City/Twp./Village	County in Michigan	Defendant TCN	Defendant CTN	Defendant SID	Defendant DOB
Police agency report no.	Charge			Maximum penalty	
<input type="checkbox"/> A sample for chemical testing for DNA identification profiling is on file with the Michigan State Police from a previous case.		<input type="checkbox"/> Oper./Chauf. <input type="checkbox"/> CDL	Vehicle Type	Defendant DLN	
Witnesses					

STATE OF MICHIGAN, COUNTY OF _____ .

To any peace officer or court officer authorized to make arrest: The complaining witness has filed a sworn complaint in this court stating that on the date and the location described, the defendant, contrary to law,

Upon examination of the complaining witness, I find that the offense charged was committed and that there is probable cause to believe that defendant committed the offense. THEREFORE, IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN,

- a. I order you to arrest and bring defendant before the _____ District Court immediately.
- b. I order you to bring defendant before the _____ District Court.
- c. The defendant may be released before arraignment if \$ _____ is posted as interim bail by _____ .
Date

Date

(SEAL)

Judge/Magistrate

Bar no.

See return on reverse side.

RETURN

As ordered in this warrant, the defendant was arrested on _____ at _____
Date Time

at _____ .
Place of arrest

Date

Peace officer

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT	BIND OVER/TRANSFER AFTER PRELIMINARY EXAMINATION FELONY	CASE NO. DISTRICT CIRCUIT
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District Court ORI: MI-

Circuit Court ORI: MI-

Defendant's name and address THE PEOPLE OF THE STATE OF MICHIGAN v				Victim or complainant	
Codefendant(s)				Complaining witness	
Date: On or about				Date: On or about	
City/Twp./Village	County in Michigan	Defendant TCN	Defendant CTN	Defendant SID	Defendant DOB
Police agency report no.	Charge			Maximum penalty	
<input type="checkbox"/> A sample for chemical testing for DNA identification profiling is on file with the Michigan State Police from a previous case.		<input type="checkbox"/> Oper./Chauf. <input type="checkbox"/> CDL	Vehicle Type	Defendant DLN	

Date: _____ District judge: _____

Reporter/Recorder	Cert. no.	Represented by counsel	Bar no.
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EXAMINATION WAIVER

1. I, the defendant, understand:
 - a. I have a right to employ an attorney.
 - b. I may request a court-appointed attorney if I am financially unable to employ one.
 - c. I have a right to a preliminary examination where it must be shown that a crime was committed and probable cause exists to charge me with the crime.
2. I voluntarily waive my right to a preliminary examination and understand that I will be bound over to circuit court on the charges in the complaint and warrant (or as amended).

Defendant attorney _____ Bar no. _____ Defendant _____

I consent to this waiver: _____ Prosecuting attorney _____ Bar no. _____

ADULT BINDOVER

3. Examination was waived on _____ .
Date _____
4. Examination was held on _____ and it was found that probable cause exists to believe both that an offense not cognizable by the district court has been committed and that the defendant committed the offense.
5. The defendant is bound over to circuit court to appear on _____ at _____ m.
Date _____ Time _____
- on the charge(s) in the complaint.
- on the amended charge(s) of _____

_____ MCL/PACC Code _____ .

6. Bond is set in the amount of \$ _____ . Type of bond: _____ Posted

Date _____ Judge _____ Bar no. _____

Certification of transmittal and bindover/transfer for juvenile are printed on reverse side.

JUVENILE BINDOVER/TRANSFER

- 3. Examination was waived on _____ .
Date
- 4. Examination was held on _____ and it was found that
Date
 - there is probable cause that a life offense occurred and there is probable cause that the juvenile committed the life offense.
 - there is no probable cause that a life offense occurred or there is no probable cause that the juvenile committed the life offense, but some other offense occurred that if committed by an adult would constitute a crime, and there is probable cause to believe the juvenile committed that offense.
- 5. The juvenile is bound over to circuit court criminal division to appear on _____ at _____ m.
Date Time
 - on the charge(s) in the complaint.
 - on the amended charge(s) of _____
 - _____ MCL/PACC Code _____ .
- 6. This case is transferred to the family division of the circuit court for further proceedings
 - immediately.
 - on _____ at _____ m.
Date Time
- 7. Bond is set in the amount of \$ _____. Type of bond: _____ Posted

Date

Judge Bar no.

MCL 766.14(2), MCR 6.911

CERTIFICATION

I certify that on this date I have transmitted to the _____ circuit court criminal division the prosecutor's authorization for a warrant application, the complaint, a copy of the register of actions, and any recognizances received.

Date

Court clerk

NOTE: Send a copy of this bindover to the Michigan State Police Criminal Justice Information Center.

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT	ORDER FOR <input type="checkbox"/> PRETRIAL RELEASE <input type="checkbox"/> CUSTODY <input type="checkbox"/> AMENDED	CASE NO. <input type="checkbox"/> Bound Over from District Court District Case No: _____
---	--	---

ORI MI-	Court address	Court telephone no.
--------------------	---------------	---------------------

<input type="checkbox"/> The State of Michigan THE PEOPLE OF _____ <input type="checkbox"/> Juvenile In the matter of _____	v	Defendant's/Juvenile's name, address, and telephone no. Date of birth _____ CTN/TCN _____
---	---	--

Date of arrest	Type of offense <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Felony	Arresting agency	Agency file no.
----------------	---	------------------	-----------------

Offense(s)	Statute/ordinance citation(s)
------------	-------------------------------

Purpose of next appearance	Time of appearance	Date of appearance
----------------------------	--------------------	--------------------

Place of appearance <input type="checkbox"/> At the court address above <input type="checkbox"/> Other: _____	<input type="checkbox"/> Bond denied
--	--------------------------------------

TYPE OF BOND: <input type="checkbox"/> Personal recognizance <input type="checkbox"/> Cash/Surety <input type="checkbox"/> Cash/Surety/10% Cash <input type="checkbox"/> Real property* <input type="checkbox"/> *Proof of value and interest in real property is required	Full bail amount \$ _____	Bond set by Judge/Magistrate/Referee _____
---	---------------------------	--

Pursuant to 18 USC 922(g)(8), the court found, at a hearing, that the defendant/juvenile represents a credible threat to the physical safety of one or more persons as defined in 18 USC 922(g)(8) and 18 USC 921(32) and named in item 2. **Needed for NCIC entry.

IT IS ORDERED:

1. The defendant/juvenile shall post a new bond (MC 241). Any additional conditions are specified in item 2. and in the bond.

2. Conditions to be specified in the bond are: _____
 (see other side for list of conditions) Indicate conditions by item number. Include any specific details.

3. The sheriff custodial agency/facility _____ shall:

a. continue to hold the defendant/juvenile named above in their care and custody until further order of the court.

b. hold the defendant/juvenile named above in their care and custody until bond is posted and the conditions are agreed to as specified in item 2. and in the bond.

The sheriff or director or designee of the custodial facility is authorized to obtain and consent to routine, nonsurgical medical and dental care for the juvenile and emergency medical, dental, and surgical treatment of the juvenile.

The defendant/juvenile shall be brought to all court appearances while in custody or as otherwise ordered.

4. The previously posted bond is continued.

5. The previously posted bond is revoked, conditions of release under MCL 765.6b or 780.582a are cancelled, and LEIN entry be removed. Bond is forfeited.

Date _____	Judge/Magistrate/Referee _____	Bar no. _____
------------	--------------------------------	---------------

CAUTION: REMOVE THIS SHEET BEFORE COMPLETING THE FOLLOWING

The defendant/juvenile was not released for the following reasons: **Check all applicable reasons and explain the reasons checked**

<input type="checkbox"/> criminal record	<input type="checkbox"/> family ties	<input type="checkbox"/> mental condition	<input type="checkbox"/> reputation - character
<input type="checkbox"/> employment	<input type="checkbox"/> history of substance/addiction	<input type="checkbox"/> pending charges	<input type="checkbox"/> residence, length
<input type="checkbox"/> failure to appear	<input type="checkbox"/> no one to vouch for reliability	<input type="checkbox"/> probation/parole	<input type="checkbox"/> serious offense
<input type="checkbox"/> danger to community	<input type="checkbox"/> other reasons: _____		

COURT MEMO COPY

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT	ORDER FOR <input type="checkbox"/> PRETRIAL RELEASE <input type="checkbox"/> CUSTODY <input type="checkbox"/> AMENDED	CASE NO. <input type="checkbox"/> Bound Over from District Court District Case No: _____
---	--	---

ORI MI-	Court address	Court telephone no.
--------------------	---------------	---------------------

<input type="checkbox"/> The State of Michigan THE PEOPLE OF _____ <input type="checkbox"/> Juvenile In the matter of _____	v	Defendant's/Juvenile's name, address, and telephone no. Date of birth _____ CTN/TCN _____
---	----------	--

Date of arrest	Type of offense <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Felony	Arresting agency	Agency file no.
Offense(s)		Statute/ordinance citation(s)	
Purpose of next appearance		Time of appearance	Date of appearance
Place of appearance <input type="checkbox"/> At the court address above <input type="checkbox"/> Other: _____			<input type="checkbox"/> Bond denied
TYPE OF BOND: <input type="checkbox"/> Personal recognizance <input type="checkbox"/> Cash/Surety <input type="checkbox"/> Cash/Surety/10% Cash <input type="checkbox"/> Real property* <input type="checkbox"/> *Proof of value and interest in real property is required		Full bail amount \$ _____	Bond set by Judge/Magistrate/Referee

Pursuant to 18 USC 922(g)(8), the court found, at a hearing, that the defendant/juvenile represents a credible threat to the physical safety of one or more persons as defined in 18 USC 922(g)(8) and 18 USC 921(32) and named in item 2. **Needed for NCIC entry.

IT IS ORDERED:

1. The defendant/juvenile shall post a new bond (MC 241). Any additional conditions are specified in item 2. and in the bond.

2. Conditions to be specified in the bond are: _____
 (see other side for list of conditions) Indicate conditions by item number. Include any specific details.

3. The sheriff custodial agency/facility _____ shall:

a. continue to hold the defendant/juvenile named above in their care and custody until further order of the court.

b. hold the defendant/juvenile named above in their care and custody until bond is posted and the conditions are agreed to as specified in item 2. and in the bond.

The sheriff or director or designee of the custodial facility is authorized to obtain and consent to routine, nonsurgical medical and dental care for the juvenile and emergency medical, dental, and surgical treatment of the juvenile.

The defendant/juvenile shall be brought to all court appearances while in custody or as otherwise ordered.

4. The previously posted bond is continued.

5. The previously posted bond is revoked, conditions of release under MCL 765.6b or 780.582a are cancelled, and LEIN entry be removed. Bond is forfeited.

Date _____	Judge/Magistrate/Referee _____	Bar no. _____
------------	--------------------------------	---------------

NOTE: Prepare order below only when release is subject to conditions necessary to protect 1 or more named persons under MCL 765.6b or 780.582a or for NCIC.

TO THE LOCAL LAW ENFORCEMENT AUTHORITY:

IT IS ORDERED that the above release order, including the conditions of release, and the following identifying information of the defendant/juvenile must be entered on the LEIN system. The court will notify the local law enforcement agency of any subsequent amendments to or revocation of this order. Amended conditions Amended expiration date

Height	Weight	Race	Sex	Date of Birth	Hair Color	Eye Color	Other Identifying Information

Effective date of conditions in item 2. _____	Expiration date of order _____
---	--------------------------------

Date _____	Judge/Magistrate _____	Bar no. _____
------------	------------------------	---------------

OTHER CONDITIONS:

Any of these items which are specified in item 2. of the Pretrial Release Order, must also be specified in the face of the Bond (form MC 241) . **The applicable conditions will be identified on the face of the bond by item numbers.** They should be specified in the Pretrial Release Order by item number as well since the same list is used on both forms.

- Item 1.** Make reports to a court agency as are specified by the court or the agency.
- Item 2.** Not use alcohol nor illicitly use any controlled substance.
- Item 3.** Participate in a substance abuse testing or monitoring program.
- Item 4.** Participate in a specified treatment program for any physical or mental condition, including substance abuse.
- Item 5.** Comply with restrictions on personal association, place of residence, place of employment, or travel.
- Item 6.** Surrender driver's license or passport.
- Item 7.** Comply with a specified curfew.
- Item 8.** Continue to seek employment.
- Item 9.** Continue or begin an educational program.
- Item 10.** Remain in the custody of a responsible member of the community who agrees to monitor the defendant/juvenile and report any violation of any release condition to the court.
- Item 11.** Not possess or purchase a firearm or other dangerous weapon.
- Item 12.** Not harass, intimidate, beat, molest, wound, stalk, threaten, or engage in other conduct that would place any of the following persons or a child of any of the following persons in reasonable fear of bodily injury: spouse, former spouse, individual with whom defendant has a child in common, resident or former resident of defendant's household.
This item is used for NCIC entry
- Item 13.** Not assault, harass, intimidate, beat, molest, wound, or threaten a named person or persons (add name(s) on the face of the bond).
- Item 14.** Satisfy any injunctive order made a condition of release.
- Item 15.** Not have (or cause any third party to have) any direct or indirect contact with (add name(s) to face of bond) and not enter specified premises or areas (add address(es) to face of bond).
- Item 16.** May go to the residence one time accompanied by peace officer to remove personal belongings.
- Item 17.** Comply with any other condition, including the requirement of money bail.
- Item 18.** Other.

NOTICE OF FIREARMS RESTRICTION: If item 12 is listed as a condition of the defendant's/juvenile's release, federal and/or state law may prohibit the defendant/juvenile from possessing or purchasing ammunition or a firearm (including a rifle, pistol, or revolver) if the court found, after a hearing at which the defendant/juvenile had notice and an opportunity to participate, that the defendant/juvenile represents a credible threat to the physical safety of the person(s) named in item 2 of this order and/or explicitly prohibited in item 2 of this order the use, attempted use, or threatened use of physical force that would reasonably be expected to cause bodily injury to each of those named persons.

NOTE: As it determines necessary, the court can add any other conditions not listed above or can modify any of those that are. Any changes must also be made to the corresponding items on the Bond (MC 241).

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT	SUMMONS Criminal	CASE NO. DISTRICT CIRCUIT
---	-----------------------------	---

ORI MI-	Court address	Court telephone no.
--------------------	---------------	---------------------

THE PEOPLE OF <input type="checkbox"/> The State of Michigan <input type="checkbox"/> _____ v Defendant's name and address	Victim or complainant <hr/> Complaining witness			
Co-defendant(s)	Date: On or about			
City/Twp./Village	County in Michigan	Defendant CTN	Defendant SID	Defendant DOB
Police agency report no.	Charge	Maximum penalty		
Witnesses		Defendant DLN		

STATE OF MICHIGAN, COUNTY OF _____ .
 The complaining witness has filed a sworn complaint in this court stating that on the date and the location described, the defendant, contrary to law,

IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN _____

TAKE NOTICE: YOU ARE SUMMONED TO APPEAR for arraignment on _____
Day and date
 at _____ m., at the address above _____, Michigan,
Time Location
 before the presiding judge. If you fail to appear, a warrant will be issued for your arrest upon the prosecutor's request.

This summons expires on the date of hearing. If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangements.

This document must be sealed by the seal of the court.

Requested on _____ by: <small>Date</small> <hr/> Prosecuting official

Date

Judge/Magistrate/Court clerk

Bar no.

SUMMONS, Criminal

Case No. _____

PROOF OF SERVICE

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE

OFFICER CERTIFICATE

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party [MCR 2.104(A)(2)], and that: (notary not required)

OR

AFFIDAVIT OF PROCESS SERVER

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notary required)

- I served personally a copy of the summons,
- I served by registered or certified mail (copy of return receipt attached) a copy of the summons,

together with _____, on:
Attachment

Defendant's name	Complete address(es) of service	Day, date, time

I have personally attempted to serve the summons, together with _____, on _____, at _____ and have been unable to complete service.
Attachment
Name
Address

I declare that the statements above are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Mileage fee	Total fee
\$		\$	\$

Signature

Name (type or print)

Title

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Date Signature: _____
Deputy court clerk/Notary public

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons, together with _____, on _____, on behalf of _____.
Attachment
Day, date, time
Signature

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT	JUDGMENT OF SENTENCE <input type="checkbox"/> COMMITMENT TO JAIL	CASE NO.
---	---	-----------------

ORI MI- _____ Court address _____ Court telephone no. _____

Police Report No.

THE PEOPLE OF The State of Michigan

v

Defendant name, address, and telephone no.

CTN/TCN	SID	DOB
---------	-----	-----

THE COURT FINDS:

1. Defendant was found guilty on _____ of the crime(s) as stated below:
Date _____

Count	CONVICTED BY			DISMISSED BY*	CRIME	CHARGE CODE(S) MCL citation/PACC Code
	Plea*	Court	Jury			

*Insert "G" for guilty plea, "NC" for nolo contendere, or "MI" for guilty but mentally ill, "D" for dismissed by court, or "NP" for dismissed by prosecutor/plaintiff.

2. Defendant represented by an attorney: _____
 advised of right to counsel and appointed counsel and knowingly, intelligently, and voluntarily waived that right.
3. Conviction reportable to Secretary of State**. Defendant's driver's license number is _____.
4. Sanctions reportable to State Police**. Revoked. Suspended _____ days. Restricted _____ days. ** (see back)
5. HIV testing and sex offender registration are completed.
6. Defendant has been fingerprinted according to MCL 28.243.
7. A DNA sample is already on file with the Michigan State Police from a previous case. No assessment is required.

IT IS ORDERED:

8. Probation is revoked.
9. Deferred status is revoked. HYTA status is revoked.
10. Defendant is sentenced to jail as follows: Report at _____ m.

Count	Date Sentence Begins	Sentenced		Credited		To Be Served		Release Authorized for the Following Purpose	Release Period	
		Mos.	Days	Mos.	Days	Mos.	Days		From	To
								<input type="checkbox"/> Upon payment of fine and costs <input type="checkbox"/> To work or seek work <input type="checkbox"/> For attendance at school <input type="checkbox"/> For medical treatment..... <input type="checkbox"/> Other: _____		

11. Defendant shall pay:

State Minimum	Crime Victim	Restitution	DNA Assess.	Court Costs	Attorney Fees	Fine	Other Costs	Total
\$	\$	\$	\$	\$	\$	\$	\$	\$

The due date for payment is _____. Fine, costs, and fees not paid within 56 days of the due date are subject to a 20% late penalty on the amount owed. Only the fine and some costs may be satisfied by serving time in jail.

- Defendant shall serve _____ days in jail beginning _____ for failure to pay on time.
12. Defendant shall be placed on probation for _____ months and abide by the terms of probation. (See separate order.)
13. Defendant shall complete the following rehabilitative services.
 Alcohol Highway Safety Education Treatment (outpatient, inpatient, residential, mental health).
 Specify: _____
14. The vehicle used in the offense shall be immobilized or forfeited. (See separate order.)
15. The concealed weapon board shall suspend for _____ days permanently revoke the concealed weapon license, permit number _____, issued by _____ County.
16. Other: _____

 Date (SEAL) Judge/Magistrate Bar no.

Currently convictions are reportable to the Secretary of State under:

- MCL 257.625(21)(a)
- MCL 257.732
- MCL 324.80131
- MCL 324.81134(12)
- MCL 324.81135(7)
- MCL 324.82157
- MCL 333.7408a(11)

Sanctions are reportable to the State Police under:

- MCL 333.7408a(11) and MCL 333.7408a(12)(b), including sentences for imprisonment under 90 days
- MCL 257.625(21)(b)

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	JUDGMENT OF SENTENCE COMMITMENT TO DEPARTMENT OF CORRECTIONS	CASE NO.
--	---	-----------------

ORI MI- Court address Court telephone no.
Police Report No.

THE PEOPLE OF THE STATE OF MICHIGAN

Prosecuting attorney's name Bar no.

v

Defendant name, address, and telephone no.

CTN/TCN	SID	DOB
---------	-----	-----

Defendant attorney's name Bar no.

THE COURT FINDS:

1. The defendant was found guilty on _____ of the crime(s) stated below.
Date

Count	CONVICTED BY			DISMISSED BY*	CRIME	CHARGE CODE(S) MCL citation/PACC Code
	Plea*	Court	Jury			

*Insert "G" for guilty plea, "NC" for nolo contendere, or "MI" for guilty but mentally ill, "D" for dismissed by court, or "NP" for dismissed by prosecutor/plaintiff.

- 2. The conviction is reportable to the Secretary of State under MCL 257.625(21)(b). _____ Defendant's driver's license number
- 3. HIV testing and sex offender registration are completed.
- 4. The defendant has been fingerprinted according to MCL 28.243.
- 5. A DNA sample is already on file with the Michigan State Police from a previous case. No assessment is required.

IT IS ORDERED:

- 6. Probation is revoked.
- 7. Participating in a special alternative incarceration unit is prohibited. permitted.
- 8. The defendant is sentenced to custody of the Michigan Department of Corrections. This sentence shall be executed immediately.

Count	SENTENCE DATE	MINIMUM			MAXIMUM			DATE SENTENCE BEGINS	JAIL CREDIT		OTHER INFORMATION
		Years	Mos.	Days	Years	Mos.	Days		Mos.	Days	

- 9. Sentence(s) to be served consecutively to _____ (If this item is not checked, the sentence is concurrent.)
 each other. case numbers _____.

10. The defendant shall pay:

State Minimum	Crime Victim	Restitution	DNA Assess.	Court Costs	Attorney Fees	Fine	Other Costs	Total
\$	\$	\$	\$	\$	\$	\$	\$	\$

The due date for payment is _____. Fine, costs, and fees not paid within 56 days of the due date are subject to a 20% late penalty on the amount owed.

- 11. The concealed weapon board shall suspend for _____ days permanently revoke the concealed weapon license, permit number _____, issued by _____ County.
- 12. The defendant is subject to lifetime monitoring under MCL 750.520n.

13. Court recommendation:

Date Judge Bar no.

I certify that this is a correct and complete abstract from the original court records. The sheriff shall, without needless delay, deliver the defendant to the Michigan Department of Corrections at a place designated by the department.

(SEAL)

Deputy court clerk

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	NOTICE TO PRISONER ON APPLICATION FOR LEAVE TO APPEAL DECISION OF PAROLE BOARD	CIRCUIT CASE NO: APPEAL CASE NO: JUDGE:
--	---	--

Court address

Court telephone no.

<input type="checkbox"/> THE PEOPLE OF THE STATE OF MICHIGAN <input type="checkbox"/> _____	Appellant
--	-----------

v

Prisoner's name, address, and inmate no. (if known)	Appellee
---	----------

NOTE: This form is required pursuant to MCR 7.104(D)(2)(c). If the appropriate language is included in the application for leave to appeal, this form does not need to be used.

TO THE PRISONER:

1. An application for leave to appeal a decision to grant parole is being filed with the circuit court. (Attached.)
2. You are not required to respond to the attached application. If you wish to respond to the application for leave to appeal, you may respond yourself or hire an attorney to respond for you.
3. If an order of parole is issued pursuant to MCL 791.236 before the appellate proceedings are completed, a stay may be granted in the manner provided by MCR 7.105(G), except that no bond is required.

TO THE PRISON/FACILITY: You are required to personally serve this notice, the application for leave to appeal, and any supporting documents on the prisoner named above. After service on the prisoner, you must complete the proof of service on the prisoner and file it with the clerk of the court.

PROOF OF SERVICE

I certify that on this date I served copies of this notice, the application for leave to appeal and any supporting documents by registered or certified mail, return receipt requested on the parole board, the prosecutor (if filed by victim), the victim (when appropriate), and on the facility where the prisoner is incarcerated.

_____ Date

_____ Signature of applicant/attorney

Note: Attach copies of the return receipts from the parole board and the prosecutor (when filed by the victim), and the victim (when appropriate) and file a copy of this proof of service with the clerk of the court.

PROOF OF SERVICE ON PRISONER

I certify that on this date I personally served this notice, the application for leave to appeal, and any supporting documents on the prisoner named above.

_____ Date

_____ Signature of prison official

STATE OF MICHIGAN JUDICIAL DISTRICT	WARRANT MISDEMEANOR	CASE NO.
--	--------------------------------	-----------------

ORI MI-	Court address	Court telephone no.
-------------------	---------------	---------------------

THE PEOPLE OF Defendant's name and address <input type="checkbox"/> The State of Michigan v <input type="checkbox"/> _____	Victim or complainant _____ Complaining witness _____
---	--

Codefendant(s)	Date: On or about
----------------	-------------------

City/Twp./Village	County in Michigan	Defendant TCN	Defendant CTN	Defendant SID	Defendant DOB
-------------------	--------------------	---------------	---------------	---------------	---------------

Police agency report no.	Charge	Maximum penalty
--------------------------	--------	-----------------

<input type="checkbox"/> A sample for chemical testing for DNA identification profiling is on file with the Michigan State Police from a previous case.	<input type="checkbox"/> Oper./Chauf. <input type="checkbox"/> CDL	Vehicle Type	Defendant DLN
---	---	--------------	---------------

Witnesses

STATE OF MICHIGAN, COUNTY OF _____ .

To any peace officer or court officer authorized to make an arrest: The complaining witness has filed a sworn complaint in this court stating that on the date and the location described, the defendant, contrary to law,

Upon examination of the complaint, I find probable cause to believe defendant committed the offense set forth. **THEREFORE, IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN,**

- a. I order you to arrest and bring defendant before the _____ District Court immediately.
- b. I order you to bring defendant before the _____ District Court.
- c. The defendant may be released when a cash bond is posted in the amount of \$ _____ for personal appearance before the court.

(SEAL)

_____ Date	_____ Judge/Magistrate	_____ Bar no.
------------	------------------------	---------------

By virtue of this warrant, the defendant has been taken into custody as ordered.

_____ Date	_____ Peace officer
------------	---------------------

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT	WARRANT MISDEMEANOR <input type="checkbox"/> Traffic <input type="checkbox"/> Nontraffic	CASE NO. COURT ORI
---	--	----------------------------------

Court address _____ Court telephone no. _____

THE PEOPLE OF

The State of Michigan

V

Defendant

TO: Any peace officer or court officer authorized to make an arrest.

Upon examination of the citation, I find probable cause to believe the defendant committed the offense set forth.

THEREFORE, IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN, I command you to arrest and bring defendant before the court immediately, or defendant may be released when a cash interim bond is posted in the amount of \$ _____ for personal appearance before the court.

Date

Judge/Magistrate

(SEAL)

Authorized on _____ by:
Date

 Prosecuting official

By virtue of this warrant, the defendant has been taken into custody as commanded.

Date

Arresting official

↓
 COPY OF CITATION
 ↓

Michigan Compiled Laws Annotated
Chapter 780. Criminal Procedure
Release of Misdemeanor Prisoners (Refs & Annos)

M.C.L.A. 780.581

780.581. Arrest without warrant; bond; detention

Currentness

Sec. 1. (1) If a person is arrested without a warrant for a misdemeanor or a violation of a city, village, or township ordinance, and the misdemeanor or violation is punishable by imprisonment for not more than 1 year, or by a fine, or both, the officer making the arrest shall take, without unnecessary delay, the person arrested before the most convenient magistrate of the county in which the offense was committed to answer to the complaint.

(2) Except as otherwise provided in section 2a,¹ if a magistrate is not available or immediate trial cannot be had, the person arrested may deposit with the arresting officer or the direct supervisor of the arresting officer or department, or with the sheriff or a deputy in charge of the county jail if the person arrested is lodged in the county jail, an interim bond to guarantee his or her appearance. The bond shall be a sum of money, as determined by the officer who accepts the bond, not to exceed the amount of the maximum possible fine but not less than 20% of the amount of the minimum possible fine that may be imposed for the offense for which the person was arrested. The person shall be given a receipt as provided in section 3.²

(3) If, in the opinion of the arresting officer or department, the arrested person is under the influence of intoxicating liquor or a controlled substance, or a combination of intoxicating liquor and a controlled substance, is wanted by police authorities to answer to another charge, is unable to establish or demonstrate his or her identity, or it is otherwise unsafe to release him or her, the arrested person shall be held at the place specified in subsection (4) until he or she is in a proper condition to be released, or until the next session of court.

(4) For purposes of subsection (3), if the person is arrested in a political subdivision that has a holding cell, holding center, or lockup, the person shall be held in that holding cell, holding center, or lockup. However, if that holding facility is at capacity then the person may be held in a holding cell, holding center, or lockup willing to accept the prisoner. If the person is arrested in a political subdivision that does not have a holding cell, holding center, or lockup, the person shall be held in a holding cell, holding center, or lockup willing to accept the prisoner or in the county jail. As used in this subsection, "political subdivision" means a city, village, or township.

Credits

Amended by P.A.1983, No. 61, § 1, Eff. March 29, 1984; P.A.1985, No. 149, § 1, Imd. Eff. Nov. 12, 1985; P.A.1990, No. 308, § 1, Eff. March 28, 1991.

Notes of Decisions (31)

Footnotes

1 M.C.L.A. § 780.582a.

2 M.C.L.A. § 780.583.

M. C. L. A. 780.581, MI ST 780.581

The statutes are current through P.A.2016, No. 8 of the 2016 Regular Session, 98th Legislature.

End of Document

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Michigan Compiled Laws Annotated
Michigan Court Rules of 1985
Chapter 6. Criminal Procedure
Subchapter 6.100. Preliminary Proceedings

MI Rules MCR 6.102

RULE 6.102 ARREST ON A WARRANT

Currentness

(A) Issuance of Warrant. A court must issue an arrest warrant, or a summons in accordance with [MCR 6.103](#), if presented with a proper complaint and if the court finds probable cause to believe that the accused committed the alleged offense.

(B) Probable Cause Determination. A finding of probable cause may be based on hearsay evidence and rely on factual allegations in the complaint, affidavits from the complainant or others, the testimony of a sworn witness adequately preserved to permit review, or any combination of these sources.

(C) Contents of Warrant; Court's Subscription. A warrant must

- (1) contain the accused's name, if known, or an identifying name or description;
- (2) describe the offense charged in the complaint;
- (3) command a peace officer or other person authorized by law to arrest and bring the accused before a judicial officer of the judicial district in which the offense allegedly was committed or some other designated court; and
- (4) be signed by the court.

(D) Warrant Specification of Interim Bail. Where permitted by law, the court may specify on the warrant the bail that an accused may post to obtain release before arraignment on the warrant and, if the court deems it appropriate, include as a bail condition that the arrest of the accused occur on or before a specified date or within a specified period of time after issuance of the warrant.

(E) Execution and Return of Warrant. Only a peace officer or other person authorized by law may execute an arrest warrant. On execution or attempted execution of the warrant, the officer must make a return on the warrant and deliver it to the court before which the arrested person is to be taken.

(F) Release on Interim Bail. If an accused has been arrested pursuant to a warrant that includes an interim bail provision, the accused must either be arraigned promptly or released pursuant to the interim bail provision. The accused may obtain release

by posting the bail on the warrant and by submitting a recognizance to appear before a specified court at a specified date and time, provided that

- (1) the accused is arrested prior to the expiration date, if any, of the bail provision;
- (2) the accused is arrested in the county in which the warrant was issued, or in which the accused resides or is employed, and the accused is not wanted on another charge;
- (3) the accused is not under the influence of liquor or controlled substance; and
- (4) the condition of the accused or the circumstances at the time of arrest do not otherwise suggest a need for judicial review of the original specification of bail.

Credits

[Adopted effective October 1, 1989; amended July 13, 2005, effective January 1, 2006, 473 Mich.]

Editors' Notes

COMMENTS

1989 Staff Comment

MCR 6.102 is a new rule.

Subrule (A) states the requirements for issuance of a warrant set forth in [MCL 764.1a](#) except that it substitutes “probable cause” for “reasonable cause.” These terms are viewed as equivalent, with “probable cause” being preferable because it is a familiar and recognized standard.

Subrule (B) is consistent with the requirements of [MCL 764.1a\(2\)](#). Additionally, this subrule imposes the requirement that any sworn testimony relied on in making the probable cause determination be “adequately preserved to permit review.” An objective of this subrule is to ensure that there is a reviewable record in the event that the probable cause determination is subsequently challenged. Accordingly, if any oral testimony is relied on, it must be preserved adequately in some fashion to permit a review of its sufficiency to support the probable cause determination. An electronically recorded or verbatim written record obviously satisfies this requirement. A written or recorded oral summary of the testimony sufficiently contemporaneous to be reliable, and certified as accurate by the judicial officer, may also satisfy this requirement.

Subrule (C) sets forth the requirements of [MCL 764.1b](#).

Subrule (D) sets forth a new procedure. It authorizes in felony cases the specification on the warrant of interim bail similar to the procedure currently authorized by statute in misdemeanor cases. See [MCL 780.582](#) and [MCL 780.585](#). Subrule (D) further authorizes the court, in its discretion, to include an expiration date for the interim bail provision. This option permits the court to set a cut-off date, beyond which release may not be obtained, to prevent the release of a person who may be avoiding arrest. However, setting of an expiration date may also defeat the purpose of the interim bail provision if it is too short or is used in cases where the arrest of the defendant is sought solely in a passive fashion such as awaiting the defendant's stop for a traffic offense.

Subrule (E) implements [MCL 764.1b](#).

Subrule (F) is new and sets forth a procedure applicable when an accused is arrested on a warrant containing an interim bail provision. The arresting agency has the option of either releasing the accused on the interim bail or immediately taking the accused to be arraigned if the arraignment can be conducted promptly. This subrule also lists conditions that must be met in order for an accused to be eligible for release on interim bail. Subrule (2) requires that the accused be arrested in the county in which the warrant was issued or in which the accused resides or is employed. The purpose of this limitation is to preclude the availability of interim bail to a person who may be avoiding arrest. Subrule (3) does not preclude interim bail release of an accused who was under the influence of liquor at the time of arrest but who is no longer in that condition. Subrule (4) is a catch-all provision and should be applied in good faith. Implicit in subrule (F) is the condition that the accused be satisfactorily identified as the person named in the warrant. Additionally, the rule does not preclude the police agency from requiring the accused to submit to photographing and fingerprinting before being released.

Staff Comment to 2005 Amendment

On March 12, 2002, the Court appointed the Committee on the Rules of Criminal Procedure to review the rules to determine whether any of the provisions should be revised. The committee issued its report on June 16, 2003, recommending numerous amendments to existing rules, plus some new rules. A public hearing on the committee's recommendations was held May 27, 2004.

The Court adopted the committee's recommendations with respect to the amendments of Rules 2.511, 6.102, 6.104, 6.107, 6.112, 6.303, 6.304, 6.310, 6.311, 6.402, 6.412, 6.414, 6.419, 6.420, 6.427, 6.615, and 6.620, and the adoption of a new Rule 6.428.

The Court also adopted, with modifications, recommendations made by the committee and staff to amend other rules. Rule 2.510 was amended to conform to the newly enacted 2004 PA 12 ([MCL 600.1332](#)). The Court modified the committee's recommendation concerning Rule 6.001 to include a reference to 6.102 and to limit the application of 6.445 to subrules (A) through (G). The Court adopted the committee's recommendation with regard to Rule 6.004, except that the requirement that "whenever the defendant's constitutional right to a speedy trial is violated, the defendant is entitled to dismissal of the charge with prejudice" was retained and inserted into 6.004(A).

MI Rules MCR 6.102, MI R RCRP MCR 6.102
Current with amendments received through 1/1/16

STATE OF MICHIGAN JUDICIAL DISTRICT	COMPLAINT MISDEMEANOR	CASE NO.
--	----------------------------------	-----------------

ORI	Court address	Court telephone no.
------------	----------------------	----------------------------

THE PEOPLE OF <input type="checkbox"/> The State of Michigan v <input type="checkbox"/> _____	Defendant's name and address
---	------------------------------

Victim or complainant
Complaining witness

Codefendant(s)	Date: On or about
----------------	-------------------

City/Twp./Village	County in Michigan	Defendant TCN	Defendant CTN	Defendant SID	Defendant DOB
-------------------	--------------------	---------------	---------------	---------------	---------------

Police agency report no.	Charge	Maximum penalty
--------------------------	--------	-----------------

<input type="checkbox"/> A sample for chemical testing for DNA identification profiling is on file with the Michigan State Police from a previous case.	<input type="checkbox"/> Oper./Chauf.	Vehicle Type	Defendant DLN
---	---------------------------------------	--------------	---------------

Witnesses

STATE OF MICHIGAN, COUNTY OF _____ .

The complaining witness says that on the date and at the location described, the defendant, contrary to law,

The complaining witness asks that defendant be apprehended and dealt with according to law.

(Peace officers only) I declare that the statements above are true to the best of my information, knowledge, and belief.

Warrant authorized on _____ by: Date	
Prosecuting official	

Complaining witness signature

Subscribed and sworn to before me on _____ .
Date

Judge/Court clerk/Magistrate

STATE OF MICHIGAN JUDICIAL DISTRICT	WARRANT MISDEMEANOR	CASE NO.
--	--------------------------------	-----------------

ORI MI-	Court address	Court telephone no.
-------------------	---------------	---------------------

THE PEOPLE OF Defendant's name and address <input type="checkbox"/> The State of Michigan v <input type="checkbox"/> _____	Victim or complainant _____ Complaining witness _____
---	--

Codefendant(s)	Date: On or about
----------------	-------------------

City/Twp./Village	County in Michigan	Defendant TCN	Defendant CTN	Defendant SID	Defendant DOB
-------------------	--------------------	---------------	---------------	---------------	---------------

Police agency report no.	Charge	Maximum penalty
--------------------------	--------	-----------------

<input type="checkbox"/> A sample for chemical testing for DNA identification profiling is on file with the Michigan State Police from a previous case.	<input type="checkbox"/> Oper./Chauf. <input type="checkbox"/> CDL	Vehicle Type	Defendant DLN
---	---	--------------	---------------

Witnesses

STATE OF MICHIGAN, COUNTY OF _____ .
To any peace officer or court officer authorized to make an arrest: The complaining witness has filed a sworn complaint in this court stating that on the date and the location described, the defendant, contrary to law,

Upon examination of the complaint, I find probable cause to believe defendant committed the offense set forth. **THEREFORE, IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN,**

a. I order you to arrest and bring defendant before the _____ District Court immediately.

b. I order you to bring defendant before the _____ District Court.

c. The defendant may be released when a cash bond is posted in the amount of \$ _____ for personal appearance before the court.

 Date (SEAL) Judge/Magistrate Bar no.

By virtue of this warrant, the defendant has been taken into custody as ordered.

 Date Peace officer

Approved, SCAO

Information - Circuit court
Original complaint - Court
Warrant - Court

Bindover/Transfer - Circuit/Juvenile court
Complaint copy - Prosecutor
Complaint copy - Defendant/Attorney

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT	INFORMATION FELONY	CASE NO. DISTRICT CIRCUIT
---	-------------------------------	---

District Court ORI: MI-

Circuit Court ORI: MI-

Defendant's name and address				Victim or complainant	
THE PEOPLE OF THE STATE OF MICHIGAN v				Complaining witness	
				Date: On or about	
Codefendant(s)					
City/Twp./Village	County in Michigan	Defendant TCN	Defendant CTN	Defendant SID	Defendant DOB
Police agency report no.	Charge			Maximum penalty	
<input type="checkbox"/> A sample for chemical testing for DNA identification profiling is on file with the Michigan State Police from a previous case.		<input type="checkbox"/> Oper./Chauf. <input type="checkbox"/> CDL	Vehicle Type	Defendant DLN	

Witnesses

STATE OF MICHIGAN, COUNTY OF _____
IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN: The prosecuting attorney for this county appears before the court and informs the court that on the date and at the location described, the defendant:

and against the peace and dignity of the State of Michigan.

Prosecuting Attorney

By: _____

Date

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT	COMPLAINT FELONY	CASE NO. DISTRICT CIRCUIT
---	-----------------------------	---

District Court ORI: MI-

Circuit Court ORI: MI-

Defendant's name and address THE PEOPLE OF THE STATE OF MICHIGAN v				Victim or complainant	
Codefendant(s)				Complaining witness	
Date: On or about				Date: On or about	
City/Twp./Village	County in Michigan	Defendant TCN	Defendant CTN	Defendant SID	Defendant DOB
Police agency report no.	Charge			Maximum penalty	
<input type="checkbox"/> A sample for chemical testing for DNA identification profiling is on file with the Michigan State Police from a previous case.		<input type="checkbox"/> Oper./Chauf. <input type="checkbox"/> CDL	Vehicle Type	Defendant DLN	

Witnesses

STATE OF MICHIGAN, COUNTY OF _____ .

The complaining witness says that on the date and at the location described, the defendant, contrary to law,

The complaining witness asks that defendant be apprehended and dealt with according to law.

Warrant authorized on _____ by:
Date

Prosecuting official

Security for costs posted

Complaining witness signature

Subscribed and sworn to before me on _____ .
Date

Judge/Magistrate/Clerk Bar no.

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT	WARRANT FELONY	CASE NO. DISTRICT CIRCUIT
---	---------------------------	---

District Court ORI: MI-

Circuit Court ORI: MI-

Defendant's name and address THE PEOPLE OF THE STATE OF MICHIGAN v				Victim or complainant	
Codefendant(s)				Complaining witness	
Date: On or about				Date: On or about	
City/Twp./Village	County in Michigan	Defendant TCN	Defendant CTN	Defendant SID	Defendant DOB
Police agency report no.	Charge			Maximum penalty	
<input type="checkbox"/> A sample for chemical testing for DNA identification profiling is on file with the Michigan State Police from a previous case.		<input type="checkbox"/> Oper./Chauf. <input type="checkbox"/> CDL	Vehicle Type	Defendant DLN	
Witnesses					

STATE OF MICHIGAN, COUNTY OF _____ .

To any peace officer or court officer authorized to make arrest: The complaining witness has filed a sworn complaint in this court stating that on the date and the location described, the defendant, contrary to law,

Upon examination of the complaining witness, I find that the offense charged was committed and that there is probable cause to believe that defendant committed the offense. THEREFORE, IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN,

- a. I order you to arrest and bring defendant before the _____ District Court immediately.
- b. I order you to bring defendant before the _____ District Court.
- c. The defendant may be released before arraignment if \$ _____ is posted as interim bail by _____ .
Date

Date

(SEAL)

Judge/Magistrate

Bar no.

See return on reverse side.

RETURN

As ordered in this warrant, the defendant was arrested on _____ at _____
Date Time

at _____ .
Place of arrest

Date

Peace officer

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT	BIND OVER/TRANSFER AFTER PRELIMINARY EXAMINATION FELONY	CASE NO. DISTRICT CIRCUIT
---	--	---

District Court ORI: MI-

Circuit Court ORI: MI-

Defendant's name and address THE PEOPLE OF THE STATE OF MICHIGAN v				Victim or complainant	
Codefendant(s)				Complaining witness	
Date: On or about				Date: On or about	
City/Twp./Village	County in Michigan	Defendant TCN	Defendant CTN	Defendant SID	Defendant DOB
Police agency report no.	Charge			Maximum penalty	
<input type="checkbox"/> A sample for chemical testing for DNA identification profiling is on file with the Michigan State Police from a previous case.		<input type="checkbox"/> Oper./Chauf. <input type="checkbox"/> CDL	Vehicle Type	Defendant DLN	

Date: _____ District judge: _____

Reporter/Recorder	Cert. no.	Represented by counsel	Bar no.
-------------------	-----------	------------------------	---------

EXAMINATION WAIVER

1. I, the defendant, understand:
 - a. I have a right to employ an attorney.
 - b. I may request a court-appointed attorney if I am financially unable to employ one.
 - c. I have a right to a preliminary examination where it must be shown that a crime was committed and probable cause exists to charge me with the crime.
2. I voluntarily waive my right to a preliminary examination and understand that I will be bound over to circuit court on the charges in the complaint and warrant (or as amended).

Defendant attorney _____ Bar no. _____ Defendant _____

I consent to this waiver: _____ Prosecuting attorney _____ Bar no. _____

ADULT BINDOVER

3. Examination was waived on _____ .
Date _____
4. Examination was held on _____ and it was found that probable cause exists to believe both that an offense not cognizable by the district court has been committed and that the defendant committed the offense.
5. The defendant is bound over to circuit court to appear on _____ at _____ m.
Date _____ Time _____
- on the charge(s) in the complaint.
- on the amended charge(s) of _____

_____ MCL/PACC Code _____ .

6. Bond is set in the amount of \$ _____ . Type of bond: _____ Posted

Date _____ Judge _____ Bar no. _____

Certification of transmittal and bindover/transfer for juvenile are printed on reverse side.

JUVENILE BINDOVER/TRANSFER

- 3. Examination was waived on _____ .
Date
- 4. Examination was held on _____ and it was found that
Date
 - there is probable cause that a life offense occurred and there is probable cause that the juvenile committed the life offense.
 - there is no probable cause that a life offense occurred or there is no probable cause that the juvenile committed the life offense, but some other offense occurred that if committed by an adult would constitute a crime, and there is probable cause to believe the juvenile committed that offense.
- 5. The juvenile is bound over to circuit court criminal division to appear on _____ at _____ m.
Date Time
 - on the charge(s) in the complaint.
 - on the amended charge(s) of _____
_____ MCL/PACC Code _____ .
- 6. This case is transferred to the family division of the circuit court for further proceedings
 - immediately.
 - on _____ at _____ m.
Date Time
- 7. Bond is set in the amount of \$ _____. Type of bond: _____ Posted

Date

Judge Bar no.

MCL 766.14(2), MCR 6.911

CERTIFICATION

I certify that on this date I have transmitted to the _____ circuit court criminal division the prosecutor's authorization for a warrant application, the complaint, a copy of the register of actions, and any recognizances received.

Date

Court clerk

NOTE: Send a copy of this bindover to the Michigan State Police Criminal Justice Information Center.

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT	SUMMONS Criminal	CASE NO. DISTRICT CIRCUIT
---	-----------------------------	---

ORI MI-	Court address	Court telephone no.
--------------------	---------------	---------------------

THE PEOPLE OF <input type="checkbox"/> The State of Michigan <input type="checkbox"/> _____ v Defendant's name and address	Victim or complainant _____ Complaining witness _____			
Co-defendant(s)	Date: On or about			
City/Twp./Village	County in Michigan	Defendant CTN	Defendant SID	Defendant DOB
Police agency report no.	Charge	Maximum penalty		
Witnesses		Defendant DLN		

STATE OF MICHIGAN, COUNTY OF _____ .
 The complaining witness has filed a sworn complaint in this court stating that on the date and the location described, the defendant, contrary to law,

IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN _____

TAKE NOTICE: YOU ARE SUMMONED TO APPEAR for arraignment on _____
Day and date
 at _____ m., at the address above _____, Michigan,
Time Location
 before the presiding judge. If you fail to appear, a warrant will be issued for your arrest upon the prosecutor's request.

This summons expires on the date of hearing. If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangements.

This document must be sealed by the seal of the court.

Requested on _____ by: <small>Date</small> _____ Prosecuting official
--

Date

Judge/Magistrate/Court clerk

Bar no.

SUMMONS, Criminal

Case No. _____

PROOF OF SERVICE

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE

OFFICER CERTIFICATE

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party [MCR 2.104(A)(2)], and that: (notary not required)

OR

AFFIDAVIT OF PROCESS SERVER

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notary required)

- I served personally a copy of the summons,
- I served by registered or certified mail (copy of return receipt attached) a copy of the summons,

together with _____, on:
Attachment

Defendant's name	Complete address(es) of service	Day, date, time

I have personally attempted to serve the summons, together with _____, on _____, at _____ and have been unable to complete service.
Attachment
Name
Address

I declare that the statements above are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Mileage fee	Total fee
\$		\$	\$

Signature

Name (type or print)

Title

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Date Signature: _____
Deputy court clerk/Notary public

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons, together with _____, on _____, on behalf of _____.
Attachment
Day, date, time
Signature

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT	ORDER FOR EVALUATION RELATIVE TO CRIMINAL RESPONSIBILITY	CASE NO.
---	---	-----------------

ORI MI-	Court address	Court telephone no.
--------------------	----------------------	----------------------------

THE PEOPLE OF _____ _____	<input type="checkbox"/> The State of Michigan <input type="checkbox"/> _____
---	--

v

Defendant name, address, and telephone no.		
CTN	SID	DOB

Count	CRIME	CHARGE CODE(S) MCL citation/PACC Code

Date of hearing: _____ Judge: _____ Bar no. _____

On the basis of the filing of a notice of insanity defense, **IT IS ORDERED:**

- The defendant shall undergo an examination, relating to his or her criminal responsibility, by personnel from:
 - the Center for Forensic Psychiatry.
 - other:

Upon conclusion of the examination, the Center for Forensic Psychiatry or other qualified personnel, and any independent examiner, shall prepare a written report and shall submit the report to the prosecuting official and defense counsel.

Prosecuting official's name, address, bar no., and telephone no.
--

Defendant attorney's name, address, bar no., and telephone no.
--

- If the defendant is on bond, he or she shall appear for examination at the places and times established by the examining facility. If the defendant, after being notified, fails to appear for examination, the court may order detention for examination without hearing. This detention shall end upon completion of the examination.
- If the defendant is under detention, the facility may perform the examination in jail or may notify the sheriff to transport the defendant to the facility for examination, and the sheriff shall return the defendant to the jail upon completion of the examination.
- The prosecuting official shall immediately provide police investigation reports and criminal history to the facility.
- Defendant shall cooperate fully and provide access to medical and psychiatric history.
- Additional orders:

Date

Judge

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT	JUDGMENT OF SENTENCE <input type="checkbox"/> COMMITMENT TO JAIL	CASE NO.
---	---	-----------------

ORI MI- _____ Court address _____ Court telephone no. _____

Police Report No.

THE PEOPLE OF The State of Michigan

v

Defendant name, address, and telephone no.

CTN/TCN	SID	DOB
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THE COURT FINDS:

1. Defendant was found guilty on _____ of the crime(s) as stated below:
Date _____

Count	CONVICTED BY			DISMISSED BY*	CRIME	CHARGE CODE(S) MCL citation/PACC Code
	Plea*	Court	Jury			

*Insert "G" for guilty plea, "NC" for nolo contendere, or "MI" for guilty but mentally ill, "D" for dismissed by court, or "NP" for dismissed by prosecutor/plaintiff.

2. Defendant represented by an attorney: _____
 advised of right to counsel and appointed counsel and knowingly, intelligently, and voluntarily waived that right.
3. Conviction reportable to Secretary of State**. Defendant's driver's license number is _____.
4. Sanctions reportable to State Police**. Revoked. Suspended _____ days. Restricted _____ days. ** (see back)
5. HIV testing and sex offender registration are completed.
6. Defendant has been fingerprinted according to MCL 28.243.
7. A DNA sample is already on file with the Michigan State Police from a previous case. No assessment is required.

IT IS ORDERED:

8. Probation is revoked.
9. Deferred status is revoked. HYTA status is revoked.
10. Defendant is sentenced to jail as follows: Report at _____ m.

Count	Date Sentence Begins	Sentenced		Credited		To Be Served		Release Authorized for the Following Purpose	Release Period	
		Mos.	Days	Mos.	Days	Mos.	Days		From	To
								<input type="checkbox"/> Upon payment of fine and costs <input type="checkbox"/> To work or seek work <input type="checkbox"/> For attendance at school <input type="checkbox"/> For medical treatment..... <input type="checkbox"/> Other: _____		

11. Defendant shall pay:

State Minimum	Crime Victim	Restitution	DNA Assess.	Court Costs	Attorney Fees	Fine	Other Costs	Total
\$	\$	\$	\$	\$	\$	\$	\$	\$

The due date for payment is _____. Fine, costs, and fees not paid within 56 days of the due date are subject to a 20% late penalty on the amount owed. Only the fine and some costs may be satisfied by serving time in jail.

- Defendant shall serve _____ days in jail beginning _____ for failure to pay on time.
12. Defendant shall be placed on probation for _____ months and abide by the terms of probation. (See separate order.)
13. Defendant shall complete the following rehabilitative services.
 Alcohol Highway Safety Education Treatment (outpatient, inpatient, residential, mental health).
 Specify: _____
14. The vehicle used in the offense shall be immobilized or forfeited. (See separate order.)
15. The concealed weapon board shall suspend for _____ days permanently revoke the concealed weapon license, permit number _____, issued by _____ County.
16. Other: _____

 Date (SEAL) Judge/Magistrate Bar no.

Currently convictions are reportable to the Secretary of State under:

- MCL 257.625(21)(a)
- MCL 257.732
- MCL 324.80131
- MCL 324.81134(12)
- MCL 324.81135(7)
- MCL 324.82157
- MCL 333.7408a(11)

Sanctions are reportable to the State Police under:

- MCL 333.7408a(11) and MCL 333.7408a(12)(b), including sentences for imprisonment under 90 days
- MCL 257.625(21)(b)

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	RECALL OF WARRANT/ORDER TO APPREHEND	CASE NO.
---	--	-----------------

ORI	Court address	Court telephone no.
------------	----------------------	----------------------------

MI- Police Report No.

Issue date of warrant/order to apprehend and no.	Charge	Date of offense
--	--------	-----------------

TO: Police agency and address

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Defendant/Respondent/Juvenile name		
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CTN/TCN	SID	DOB	
DLN		Race	Sex

IT IS ORDERED:

1. The warrant, or order to apprehend, identified above be returned immediately to this court.
2. The record of this warrant, or order to apprehend, be removed immediately from Law Enforcement Information Network (LEIN) files. Reason: _____
(optional)

Date	Judge/Clerk/Register	Bar no.
------	----------------------	---------

COURT CALL TO POLICE (to advise of person's court appearance)

Date	Time	Person notified
------	------	-----------------

CERTIFICATION OF REMOVAL (from LEIN files)

Police agency

Date	Time	Signature
------	------	-----------

POLICE DISPOSITION (to clear police files)

- Attached to this form Delivered to court when person appeared there

INSTRUCTIONS

- Court: Immediately after person appears in court on warrant, or order to apprehend, so advise the responsible police agency
(1) by telephone.
- Court: As soon as possible after calling police, prepare this 4 part form: file original (white) in case file; keep canary copy in warrant
(2) or order to apprehend tickler file until warrant, or order to apprehend, is returned by police agency; send pink and goldenrod copies to police.
- Police: Immediately after receiving court's call, return call for verification purposes; remove the warrant, or order to apprehend,
(1) from Law Enforcement Information Network (LEIN) files.
- Police: Upon receipt of forms, enter date and time of LEIN contact, and sign; file pink copy; return goldenrod copy with warrant,
(2) or order to apprehend, to court (if not already delivered when person appeared in court).

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	REMOVAL OF ENTRY FROM LEIN	CASE NO.
--	-----------------------------------	-----------------

ORI MI-	Court address	Court telephone no.
----------------	---------------	---------------------

Effective date of order	Expiration date of order	Agency file no.
-------------------------	--------------------------	-----------------

TO: Law enforcement agency and address

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Defendant/Juvenile/Respondent name, address, and telephone no.
Date of birth

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IT IS ORDERED:

1. The conditions requiring LEIN entry in this case or matter no longer exist.
2. The record of this entry shall be removed immediately from Law Enforcement Information Network (LEIN) files.

Date

Judge/District court magistrate

Bar no.

To the law enforcement agency:

Immediately after receiving this form, remove entry in this case or matter from Law Enforcement Information Network (LEIN) files, complete the certification, and return the 2nd copy to the court.

CERTIFICATION OF REMOVAL

I certify that the LEIN entry in this case or matter has been removed from LEIN files.

Date

Signature of law enforcement representative

STATE OF MICHIGAN JUDICIAL CIRCUIT JUDICIAL DISTRICT	APPLICATION TO SET ASIDE CONVICTION	CASE NO.
---	--	-----------------

ORI Court address Court telephone no.

MI-
Police Report No.

THE PEOPLE OF

The State of Michigan

v

Defendant's name, address, and telephone no.

CTN/TCN	SID	DOB
---------	-----	-----

Defendant's attorney, bar no., address, and telephone no.

1. On _____ I was convicted of _____. A certified copy of the conviction is attached.
Date Offense
2. I **request** that the court issue an order to set aside the above conviction as provided by law. I consent to use of the nonpublic record created by MCL 780.623 to the extent authorized by MCL 780.623.
3. No other application has been filed to set aside this conviction. **OR**
 An application was previously filed to set aside this conviction on _____. The application was disposed
Date
of as follows: _____.
4. No other application has been filed to set aside another conviction. **OR**
 An application was previously filed in this court the _____ Court to set aside a
conviction for _____, in addition to the conviction in item 1. The application was disposed
of as follows: _____.
5. At least five years have passed since sentence was imposed or discharge from imprisonment, probation, or parole for this conviction, whichever is later.
6. I have not had any convictions deferred and dismissed. I have had the following conviction(s) deferred and dismissed:
_____.
7. There are no other criminal charges pending against me. There are criminal charges pending against me in the
_____ Court, case number _____.
8. I have not been convicted of more than one felony and two misdemeanors as defined in MCL 780.621.

Applicant Signature

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Signature: _____
Date Deputy clerk/Notary public

Notary public, State of Michigan, County of _____

**APPLICATION TO
SET ASIDE CONVICTION**

CASE NO: _____

The hearing cannot be held until the court receives the Michigan State Police report required by MCL 780.621(9).

NOTICE OF HEARING

TO: Michigan Attorney General and _____
Prosecuting official

A hearing will be held on the above application to set aside conviction on _____ at _____
Date Time
at _____ before _____
Location Judge Bar no.

PROOF OF SERVICE

I certify that copies of this application, certified record of conviction, and notice of hearing were served on the prosecuting official on _____ by first-class mail addressed to the last-known address.
Date
Attorney General on _____ by first-class mail addressed to the last-known address.
Date
I certify that copies of this application, certified record of conviction, and the fingerprint card, accompanied by the required fee, were served on the Michigan State Police on _____ by first-class mail addressed to the last-known address.
Date

Date

Applicant/Attorney signature

INSTRUCTIONS

1. Determine whether you are eligible to apply to have your conviction set aside according to MCL 780.621. You must complete a separate application for each conviction if you are applying to have more than one conviction set aside.
2. Find out the exact date of conviction and the charge from the court. Get a certified copy of the conviction.
3. Swear to the truth of the statements in this application and then sign it in the presence of the court clerk or a notary public.
4. Make four copies of all attachments and this application. Take all copies to the court clerk.
5. Depending on local practice, the clerk of the court may set a hearing date at the time of filing. If a hearing date is set at the time of filing, the clerk of the court will complete the Notice of Hearing.
6. Go to the local law enforcement agency for a fingerprint card and get fingerprinted on the applicant card (R 1-8). There may be a fee for fingerprinting. Fill out the card completely.
7. Make out a money order or check to the State of Michigan for the application. The application fee is \$50.00. This fee is sent with the application packet to the Michigan State Police for processing.
8. Mail a copy of the application packet, application fee, and the fingerprint card to the Michigan State Police by first-class mail to Michigan State Police, Criminal Justice Information Center - Criminal History, PO Box 30266, Lansing, Michigan 48909.
9. Mail a copy of the application packet to the Attorney General of the State of Michigan by first-class mail to Office of the Attorney General, Criminal Appellate Division, PO Box 30217, Lansing, Michigan 48909.
10. Mail a copy of the application packet to the correct prosecuting official (county, city, or township) by first-class mail. Get the address from the court clerk or see www.michiganprosecutor.org.
11. On both copies of the application, fill in the Proof of Service on the back of the form. After you fill out and sign the Proof of Service, mail or take one of the remaining application packets with the completed Proof of Service to the court. Keep the other copy of the application packet for your records.

For additional instructions, visit michiganlegalhelp.org.

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	MOTION, AFFIDAVIT, AND BENCH WARRANT	CASE NO.
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ORI MI- _____ Court address _____ Court telephone no. _____
 Police Report No. _____

Plaintiff <input type="checkbox"/> The People of the State of Michigan <input type="checkbox"/> _____ <input type="checkbox"/> Civil <input type="checkbox"/> Criminal Current Charge _____	v	Defendant(s)/Probationer _____ <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;">CTN</td> <td style="width:33%;">SID</td> <td style="width:33%;">DOB</td> </tr> <tr> <td>TCN</td> <td></td> <td></td> </tr> </table>	CTN	SID	DOB	TCN		
CTN	SID	DOB						
TCN								
<input type="checkbox"/> Probate <input type="checkbox"/> Juvenile In the matter of _____								

A motion and affidavit is not required when the bench warrant is issued on the judge's own motion.

MOTION AND AFFIDAVIT

I request that a bench warrant be issued and _____
 be arrested and _____ Name of respondent

held in contempt for failure to appear. held in contempt for the following reasons: (specify in the space below)
 brought to court for arraignment on the following alleged probation violation: (specify in the space below)

This affidavit is made on my personal knowledge and, if sworn as a witness, I can testify competently to the facts in this affidavit.

Signature

Subscribed and sworn to before me on _____, _____ County, Michigan.
 Date

My commission expires: _____ Date Signature: _____
 Notary public/Deputy clerk

Notary public, State of Michigan, County of _____

BENCH WARRANT

Respondent failed to comply with an order of this court.
 TO ANY PEACE OFFICER OR COURT OFFICER AUTHORIZED TO MAKE ARREST, I order you to arrest:

Name and address of respondent _____ _____	Race _____	Sex _____
DLN _____		

Bring the respondent before the court immediately, or respondent may be released when a cash or surety bond in the amount of \$ _____ is posted for personal appearance before the court at its next session.

Date

Judge

Bar no.

RETURN

I have, on _____, taken respondent into custody as ordered by this warrant.
Date

Date

Peace officer

Form CC 376

PERSONAL PROTECTION ORDER (DOMESTIC RELATIONSHIP)

Use this form if you filled out form CC 375, Petition for Personal Protection Order.

INSTRUCTIONS FOR COMPLETING "PERSONAL PROTECTION ORDER"

Please print neatly. Press firmly because you are printing on six copies.

Items A through D must be completed before you give this form to the court clerk. Please read the instruction for each item. Then fill in the correct information for that item on the form.

- A** If you checked box **G** on form CC 375, check the box for "Ex Parte."
- B** Fill in the "Case No." from form CC 375.
- C** Fill in the "petitioner" and "respondent" the same way you did on form CC 375. **If you want your address and telephone number to be kept from the respondent, do not write your address here. Put in the address of a relative or friend or a post office box where the court can contact you.**
- D** Write in the respondent's name and as much of the other information as you know. This information will help the police to identify the respondent if he or she disobeys the restraining order. Be sure to identify the respondent accurately. **The race, sex, and date of birth are required for law enforcement to enter an order on the Law Enforcement Information Network (LEIN).**

The court will complete the rest of this form.

You must read the booklet "Instructions for Personal Protection Orders" for directions on the legal process.

- If you asked for an ex parte order (order without a hearing), read pages 3 and 4 of the booklet.
- If you did not ask for an ex parte order or the judge refuses to sign an ex parte order, read pages 5 and 6 of the booklet.

Important:

If the respondent violates this personal protection order and is arrested, the court will set a date, time, and place for a hearing on the charges against the respondent to be held within 72 hours after arrest. The court or prosecutor is responsible for giving you notice of this hearing. If you are not notified within 24 hours of the arrest, contact the judge who signed this order. If a hearing is not held within 72 hours, the respondent may be released from jail after posting bond pending the hearing.

If the respondent violates this personal protection order and there is no arrest, use form CC 382, Motion and Order to Show Cause for Violating Personal Protection Order. This form is available from the circuit court clerk.

STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY

(A)

PERSONAL PROTECTION ORDER
 EX PARTE
(DOMESTIC RELATIONSHIP)

(B)

CASE NO.

Court address
ORI
MI-

Court telephone no.

(C)

Petitioner's name	v
Address and telephone no. where court can reach petitioner	

Respondent's name, address, telephone no., and DLN
--

(D)

Height	Weight	Race *	Sex *	Date of birth or age*	Hair color	Eye color	Other identifying information
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*These items **must** be filled in for the police/sheriff to enter on LEIN; the other items are not required but are helpful. **Needed for NCIC entry.

Date: _____ Judge: _____ no hearing. **after hearing.

- 1. A petition requested respondent be prohibited from entry onto the premises, and either the parties are married, petitioner has property interest in the premises, or respondent does not have a property interest in the premises.
- 2. Petitioner requested an ex parte order, which should be entered without notice because irreparable injury, loss, or damage will result from the delay required to give notice or notice itself will precipitate adverse action before the order can be issued.
- ** 3. Respondent poses a credible threat to the physical safety of the petitioner and/or a child of the petitioner.
- 4. Respondent **is the spouse or former spouse of the petitioner, had a child in common with the petitioner, or is residing or had resided in the same household as the petitioner. has or had a dating relationship with the petitioner.

IT IS ORDERED:

5. _____ is prohibited from:
- a. entering onto property where petitioner lives.
 - b. entering onto property at _____.
 - ** c. assaulting, attacking, beating, molesting, or wounding _____.
 - d. removing minor children from petitioner who has **legal** custody, except as allowed by custody or parenting-time order provided removal of the children does not violate other conditions of this order. An existing custody order is dated _____ . An existing parenting-time order is dated _____ .
 - ** e. stalking as defined under MCL 750.411h and MCL 750.411i that includes but is not limited to:
 - following petitioner or appearing within his/her sight. appearing at petitioner's workplace or residence.
 - sending mail or other communications to petitioner. contacting petitioner by telephone.
 - approaching or confronting petitioner in a public place or on private property.
 - entering onto or remaining on property owned, leased, or occupied by petitioner.
 - placing an object on or delivering an object to property owned, leased, or occupied by petitioner.
 - f. interfering with petitioner's efforts to remove his/her children/personal property from premises solely owned/leased by respondent.
 - ** g. threatening to kill or physically injure _____.
 - h. interfering with petitioner at his/her place of employment or education or engaging in conduct that impairs his/her employment or educational relationship or environment.
 - i. having access to information in records concerning a minor child of petitioner and respondent that will reveal petitioner's address, telephone number, or employment address or that will reveal the child's address or telephone number.
 - ** j. purchasing or possessing a firearm.
 - k. other: _____
6. As a result of this order, federal and/or state law may prohibit you from possessing or purchasing ammunition or a firearm.
7. Violation of this order subjects respondent to immediate arrest and to the civil and criminal contempt powers of the court. If found guilty, respondent shall be imprisoned for not more than 93 days and may be fined not more than \$500.00.
8. **This order is effective when signed, enforceable immediately, and remains in effect until _____ .**
This order is enforceable anywhere in this state by any law enforcement agency when signed by a judge, and upon service, may also be enforced by another state, an Indian tribe, or a territory of the United States. If respondent violates this order in a jurisdiction other than this state, respondent is subject to enforcement and penalties of the state, Indian tribe, or United States territory under whose jurisdiction the violation occurred.
9. The court clerk shall file this order with _____ who will enter it into the LEIN.
10. Respondent may file a motion to modify or terminate this order. For ex parte orders, the motion must be filed within 14 days after being served with or receiving actual notice of the order. Forms and instructions are available from the clerk of court.
11. A motion to extend the order must be filed 3 days before the expiration date in item 8 or a new petition must be filed.

Personal Protection Order

PROOF OF SERVICE

Case No. _____

TO PROCESS SERVER: You must serve the personal protection order and file proof of service with the court clerk. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE

OFFICER CERTIFICATE

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party [MCR 2.104(A)(2)], and that: (notarization not required)

OR

AFFIDAVIT OF PROCESS SERVER

Being first duly sworn, I state that I am a legally competent adult who is **not** a party or an officer of a corporate party, and that: (notarization required)

I served a copy of the personal protection order by:

personal service registered mail, delivery restricted to the respondent (return receipt attached)

on:

Name of respondent	Complete address of service	Day, date, time
Law enforcement agency	Complete address of service	Day, date, time

I have personally attempted to serve a copy of the personal protection order on the following respondent and have been unable to complete service.

Respondent name	Complete address of service
-----------------	-----------------------------

I declare that the statements above are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee	
\$		\$	
Incorrect address fee	Miles traveled	Fee	TOTAL FEE
\$		\$	\$

Name (type or print)

Signature

Title

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Date Signature: _____
Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received a copy of the personal protection order on _____.
Day, date, time

Signature of respondent

STATE OF MICHIGAN JUDICIAL CIRCUIT COUNTY	BENCH WARRANT	CASE NO.
--	----------------------	-----------------

Court address Court telephone no.

Police Report No.

Plaintiff

v

Defendant

IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN:

TO ANY PEACE OFFICER OR COURT OFFICER AUTHORIZED TO MAKE ARREST:

The person named below failed to appear before this court, as ordered, to show cause why s/he should not be held in contempt.

Therefore, I order you to arrest:

Full name (type or print)						Date of birth
Address				City	State	Zip
Sex	Eye color	Hair color	Height	Weight	Race	Scars, tattoos, etc.

Bring him/her before the court immediately or s/he may be released when a cash-performance bond is posted in the amount of \$ _____ for personal appearance before the court at its next session.

Date

Judge Bar no.

RETURN

By virtue of this warrant, I have taken the person named above into custody as ordered.

Date

Peace officer

**STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY**

MEMORANDUM OF BENCH WARRANT

CASE NO.

Court address

Court telephone no.

Police Report No.

Plaintiff

v

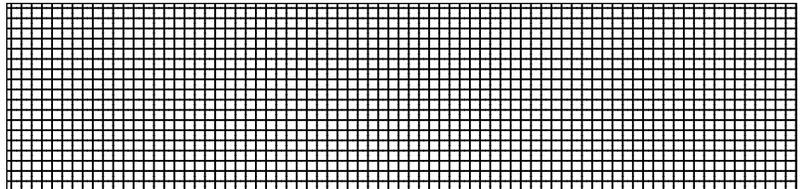
Defendant

IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN:

A bench warrant has been issued to arrest:

Full name (type or print)					Date of birth	
Address			City		State	Zip
Sex	Eye color	Hair color	Height	Weight	Race	Scars, tattoos, etc.

He or she is to be brought before the court immediately or released when a cash-performance bond is posted in the amount of \$_____ for personal appearance before the court at its next session.



STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT	ORDER FOR <input type="checkbox"/> PRETRIAL RELEASE <input type="checkbox"/> CUSTODY <input type="checkbox"/> AMENDED	CASE NO. <input type="checkbox"/> Bound Over from District Court District Case No: _____
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ORI MI-	Court address	Court telephone no.
--------------------	---------------	---------------------

<input type="checkbox"/> The State of Michigan THE PEOPLE OF _____ <input type="checkbox"/> Juvenile In the matter of _____	v	Defendant's/Juvenile's name, address, and telephone no. Date of birth _____ CTN/TCN _____
---	---	--

Date of arrest	Type of offense <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Felony	Arresting agency	Agency file no.
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Offense(s)	Statute/ordinance citation(s)
------------	-------------------------------

Purpose of next appearance	Time of appearance	Date of appearance
----------------------------	--------------------	--------------------

Place of appearance <input type="checkbox"/> At the court address above <input type="checkbox"/> Other: _____	<input type="checkbox"/> Bond denied
--	--------------------------------------

TYPE OF BOND: <input type="checkbox"/> Personal recognizance <input type="checkbox"/> Cash/Surety <input type="checkbox"/> Cash/Surety/10% Cash <input type="checkbox"/> Real property* <input type="checkbox"/> *Proof of value and interest in real property is required	Full bail amount \$ _____	Bond set by Judge/Magistrate/Referee _____
---	---------------------------	--

Pursuant to 18 USC 922(g)(8), the court found, at a hearing, that the defendant/juvenile represents a credible threat to the physical safety of one or more persons as defined in 18 USC 922(g)(8) and 18 USC 921(32) and named in item 2. **Needed for NCIC entry.

IT IS ORDERED:

1. The defendant/juvenile shall post a new bond (MC 241). Any additional conditions are specified in item 2. and in the bond.

2. Conditions to be specified in the bond are: _____
 (see other side for list of conditions) Indicate conditions by item number. Include any specific details.

3. The sheriff custodial agency/facility _____ shall:

a. continue to hold the defendant/juvenile named above in their care and custody until further order of the court.

b. hold the defendant/juvenile named above in their care and custody until bond is posted and the conditions are agreed to as specified in item 2. and in the bond.

The sheriff or director or designee of the custodial facility is authorized to obtain and consent to routine, nonsurgical medical and dental care for the juvenile and emergency medical, dental, and surgical treatment of the juvenile.

The defendant/juvenile shall be brought to all court appearances while in custody or as otherwise ordered.

4. The previously posted bond is continued.

5. The previously posted bond is revoked, conditions of release under MCL 765.6b or 780.582a are cancelled, and LEIN entry be removed. Bond is forfeited.

Date _____	Judge/Magistrate/Referee _____	Bar no. _____
------------	--------------------------------	---------------

CAUTION: REMOVE THIS SHEET BEFORE COMPLETING THE FOLLOWING

The defendant/juvenile was not released for the following reasons: **Check all applicable reasons and explain the reasons checked**

<input type="checkbox"/> criminal record	<input type="checkbox"/> family ties	<input type="checkbox"/> mental condition	<input type="checkbox"/> reputation - character
<input type="checkbox"/> employment	<input type="checkbox"/> history of substance/addiction	<input type="checkbox"/> pending charges	<input type="checkbox"/> residence, length
<input type="checkbox"/> failure to appear	<input type="checkbox"/> no one to vouch for reliability	<input type="checkbox"/> probation/parole	<input type="checkbox"/> serious offense
<input type="checkbox"/> danger to community	<input type="checkbox"/> other reasons: _____		

COURT MEMO COPY

OTHER CONDITIONS:

Any of these items which are specified in item 2. of the Pretrial Release Order, must also be specified in the face of the Bond (form MC 241) . **The applicable conditions will be identified on the face of the bond by item numbers.** They should be specified in the Pretrial Release Order by item number as well since the same list is used on both forms.

- Item 1.** Make reports to a court agency as are specified by the court or the agency.
- Item 2.** Not use alcohol nor illicitly use any controlled substance.
- Item 3.** Participate in a substance abuse testing or monitoring program.
- Item 4.** Participate in a specified treatment program for any physical or mental condition, including substance abuse.
- Item 5.** Comply with restrictions on personal association, place of residence, place of employment, or travel.
- Item 6.** Surrender driver's license or passport.
- Item 7.** Comply with a specified curfew.
- Item 8.** Continue to seek employment.
- Item 9.** Continue or begin an educational program.
- Item 10.** Remain in the custody of a responsible member of the community who agrees to monitor the defendant/juvenile and report any violation of any release condition to the court.
- Item 11.** Not possess or purchase a firearm or other dangerous weapon.
- Item 12.** Not harass, intimidate, beat, molest, wound, stalk, threaten, or engage in other conduct that would place any of the following persons or a child of any of the following persons in reasonable fear of bodily injury: spouse, former spouse, individual with whom defendant has a child in common, resident or former resident of defendant's household.
This item is used for NCIC entry
- Item 13.** Not assault, harass, intimidate, beat, molest, wound, or threaten a named person or persons (add name(s) on the face of the bond).
- Item 14.** Satisfy any injunctive order made a condition of release.
- Item 15.** Not have (or cause any third party to have) any direct or indirect contact with (add name(s) to face of bond) and not enter specified premises or areas (add address(es) to face of bond).
- Item 16.** May go to the residence one time accompanied by peace officer to remove personal belongings.
- Item 17.** Comply with any other condition, including the requirement of money bail.
- Item 18.** Other.

NOTICE OF FIREARMS RESTRICTION: If item 12 is listed as a condition of the defendant's/juvenile's release, federal and/or state law may prohibit the defendant/juvenile from possessing or purchasing ammunition or a firearm (including a rifle, pistol, or revolver) if the court found, after a hearing at which the defendant/juvenile had notice and an opportunity to participate, that the defendant/juvenile represents a credible threat to the physical safety of the person(s) named in item 2 of this order and/or explicitly prohibited in item 2 of this order the use, attempted use, or threatened use of physical force that would reasonably be expected to cause bodily injury to each of those named persons.

NOTE: As it determines necessary, the court can add any other conditions not listed above or can modify any of those that are. Any changes must also be made to the corresponding items on the Bond (MC 241).

Michigan Compiled Laws Annotated
Michigan Court Rules of 1985
Chapter 6. Criminal Procedure
Subchapter 6.100. Preliminary Proceedings

MI Rules MCR 6.106

RULE 6.106 PRETRIAL RELEASE

Currentness

(A) In General. At the defendant's arraignment on the complaint and/or warrant, unless an order in accordance with this rule was issued beforehand, the court must order that, pending trial, the defendant be

- (1) held in custody as provided in subrule (B);
- (2) released on personal recognizance or an unsecured appearance bond; or
- (3) released conditionally, with or without money bail (ten percent, cash or surety).

(B) Pretrial Release/Custody Order Under Const 1963, Art 1, § 15.

(1) The court may deny pretrial release to

(a) a defendant charged with

(i) murder or treason, or

(ii) committing a violent felony and

[A] at the time of the commission of the violent felony, the defendant was on probation, parole, or released pending trial for another violent felony, or

[B] during the 15 years preceding the commission of the violent felony, the defendant had been convicted of 2 or more violent felonies under the laws of this state or substantially similar laws of the United States or another state arising out of separate incidents,

if the court finds that proof of the defendant's guilt is evident or the presumption great;

(b) a defendant charged with criminal sexual conduct in the first degree, armed robbery, or kidnapping with the intent to extort money or other valuable thing thereby, if the court finds that proof of the defendant's guilt is evident or the presumption

great, unless the court finds by clear and convincing evidence that the defendant is not likely to flee or present a danger to any other person.

(2) A “violent felony” within the meaning of subrule (B)(1) is a felony, an element of which involves a violent act or threat of a violent act against any other person.

(3) If the court determines as provided in subrule (B)(1) that the defendant may not be released, the court must order the defendant held in custody for a period not to exceed 90 days after the date of the order, excluding delays attributable to the defense, within which trial must begin or the court must immediately schedule a hearing and set the amount of bail.

(4) The court must state the reasons for an order of custody on the record and on a form approved by the State Court Administrator's Office entitled “Custody Order.” The completed form must be placed in the court file.

(5) The court may, in its custody order, place conditions on the defendant, including but not limited to restricting or prohibiting defendant's contact with any other named person or persons, if the court determines the conditions are reasonably necessary to maintain the integrity of the judicial proceedings or are reasonably necessary for the protection of one or more named persons. If an order under this paragraph is in conflict with another court order, the most restrictive provisions of the orders shall take precedence until the conflict is resolved.

(6) Nothing in this rule limits the ability of a jail to impose restrictions on detainee contact as an appropriate means of furthering penological goals.

(C) Release on Personal Recognizance. If the defendant is not ordered held in custody pursuant to subrule (B), the court must order the pretrial release of the defendant on personal recognizance, or on an unsecured appearance bond, subject to the conditions that the defendant will appear as required, will not leave the state without permission of the court, and will not commit any crime while released, unless the court determines that such release will not reasonably ensure the appearance of the defendant as required, or that such release will present a danger to the public.

(D) Conditional Release. If the court determines that the release described in subrule (C) will not reasonably ensure the appearance of the defendant as required, or will not reasonably ensure the safety of the public, the court may order the pretrial release of the defendant on the condition or combination of conditions that the court determines are appropriate including

(1) that the defendant will appear as required, will not leave the state without permission of the court, and will not commit any crime while released, and

(2) subject to any condition or conditions the court determines are reasonably necessary to ensure the appearance of the defendant as required and the safety of the public, which may include requiring the defendant to

(a) make reports to a court agency as are specified by the court or the agency;

(b) not use alcohol or illicitly use any controlled substance;

- (c) participate in a substance abuse testing or monitoring program;
- (d) participate in a specified treatment program for any physical or mental condition, including substance abuse;
- (e) comply with restrictions on personal associations, place of residence, place of employment, or travel;
- (f) surrender driver's license or passport;
- (g) comply with a specified curfew;
- (h) continue to seek employment;
- (i) continue or begin an educational program;
- (j) remain in the custody of a responsible member of the community who agrees to monitor the defendant and report any violation of any release condition to the court;
- (k) not possess a firearm or other dangerous weapon;
- (l) not enter specified premises or areas and not assault, beat, molest, or wound a named person or persons;
- (m) comply with any condition limiting or prohibiting contact with any other named person or persons. If an order under this paragraph limiting or prohibiting contact with any other named person or persons is in conflict with another court order, the most restrictive provision of the orders shall take precedence until the conflict is resolved. The court may make this condition effective immediately on entry of a pretrial release order and while defendant remains in custody if the court determines it is reasonably necessary to maintain the integrity of the judicial proceedings or it is reasonably necessary for the protection of one or more named persons.
- (n) satisfy any injunctive order made a condition of release; or
- (o) comply with any other condition, including the requirement of money bail as described in subrule (E), reasonably necessary to ensure the defendant's appearance as required and the safety of the public.

(E) Money Bail. If the court determines for reasons it states on the record that the defendant's appearance or the protection of the public cannot otherwise be assured, money bail, with or without conditions described in subrule (D), may be required.

(1) The court may require the defendant to

(a) post, at the defendant's option,

(i) a surety bond that is executed by a surety approved by the court in an amount equal to $\frac{1}{4}$ of the full bail amount, or

(ii) bail that is executed by the defendant, or by another who is not a surety approved by the court, and secured by

[A] a cash deposit, or its equivalent, for the full bail amount, or

[B] a cash deposit of 10 percent of the full bail amount, or, with the court's consent,

[C] designated real property; or

(b) post, at the defendant's option,

(i) a surety bond that is executed by a surety approved by the court in an amount equal to the full bail amount, or

(ii) bail that is executed by the defendant, or by another who is not a surety approved by the court, and secured by

[A] a cash deposit, or its equivalent, for the full bail amount, or, with the court's consent,

[B] designated real property.

(2) The court may require satisfactory proof of value and interest in property if the court consents to the posting of a bond secured by designated real property.

(F) Decision; Statement of Reasons.

(1) In deciding which release to use and what terms and conditions to impose, the court is to consider relevant information, including

(a) defendant's prior criminal record, including juvenile offenses;

(b) defendant's record of appearance or nonappearance at court proceedings or flight to avoid prosecution;

(c) defendant's history of substance abuse or addiction;

(d) defendant's mental condition, including character and reputation for dangerousness;

(e) the seriousness of the offense charged, the presence or absence of threats, and the probability of conviction and likely sentence;

(f) defendant's employment status and history and financial history insofar as these factors relate to the ability to post money bail;

(g) the availability of responsible members of the community who would vouch for or monitor the defendant;

(h) facts indicating the defendant's ties to the community, including family ties and relationships, and length of residence, and

(i) any other facts bearing on the risk of nonappearance or danger to the public.

(2) If the court orders the defendant held in custody pursuant to subrule (B) or released on conditions in subrule (D) that include money bail, the court must state the reasons for its decision on the record. The court need not make a finding on each of the enumerated factors.

(3) Nothing in subrules (C) through (F) may be construed to sanction pretrial detention nor to sanction the determination of pretrial release on the basis of race, religion, gender, economic status, or other impermissible criteria.

(G) Custody Hearing.

(1) *Entitlement to Hearing.* A court having jurisdiction of a defendant may conduct a custody hearing if the defendant is being held in custody pursuant to subrule (B) and a custody hearing is requested by either the defendant or the prosecutor. The purpose of the hearing is to permit the parties to litigate all of the issues relevant to challenging or supporting a custody decision pursuant to subrule (B).

(2) *Hearing Procedure.*

(a) At the custody hearing, the defendant is entitled to be present and to be represented by a lawyer, and the defendant and the prosecutor are entitled to present witnesses and evidence, to proffer information, and to cross-examine each other's witnesses.

(b) The rules of evidence, except those pertaining to privilege, are not applicable. Unless the court makes the findings required to enter an order under subrule (B)(1), the defendant must be ordered released under subrule (C) or (D). A verbatim record of the hearing must be made.

(H) Appeals; Modification of Release Decision.

(1) *Appeals.* A party seeking review of a release decision may file a motion in the court having appellate jurisdiction over the court that made the release decision. There is no fee for filing the motion. The reviewing court may not stay, vacate, modify, or reverse the release decision except on finding an abuse of discretion.

(2) *Modification of Release Decision.*

(a) *Prior to Arraignment on the Information.* Prior to the defendant's arraignment on the information, any court before which proceedings against the defendant are pending may, on the motion of a party or its own initiative and on finding that there is a substantial reason for doing so, modify a prior release decision or reopen a prior custody hearing.

(b) *Arraignment on Information and Afterwards.* At the defendant's arraignment on the information and afterwards, the court having jurisdiction of the defendant may, on the motion of a party or its own initiative, make a de novo determination and modify a prior release decision or reopen a prior custody hearing.

(c) *Burden of Going Forward.* The party seeking modification of a release decision has the burden of going forward.

(3) *Emergency Release.* If a defendant being held in pretrial custody under this rule is ordered released from custody as a result of a court order or law requiring the release of prisoners to relieve jail conditions, the court ordering the defendant's release may, if appropriate, impose conditions of release in accordance with this rule to ensure the appearance of the defendant as required and to protect the public. If such conditions of release are imposed, the court must inform the defendant of the conditions on the record or by furnishing to the defendant or the defendant's lawyer a copy of the release order setting forth the conditions.

(I) Termination of Release Order.

(1) If the conditions of the release order are met and the defendant is discharged from all obligations in the case, the court must vacate the release order, discharge anyone who has posted bail or bond, and return the cash (or its equivalent) posted in the full amount of the bail, or, if there has been a deposit of 10 percent of the full bail amount, return 90 percent of the deposited money and retain 10 percent.

(2) If the defendant has failed to comply with the conditions of release, the court may issue a warrant for the arrest of the defendant and enter an order revoking the release order and declaring the bail money deposited or the surety bond, if any, forfeited.

(a) The court must mail notice of any revocation order immediately to the defendant at the defendant's last known address and, if forfeiture of bail or bond has been ordered, to anyone who posted bail or bond.

(b) If the defendant does not appear and surrender to the court within 28 days after the revocation date, the court may continue the revocation order and enter judgment for the state or local unit of government against the defendant and anyone who posted bail or bond for an amount not to exceed the full amount of the bail, and costs of the court proceedings, or if a surety bond was posted, an amount not to exceed the full amount of the surety bond. If the amount of a forfeited surety bond is less than the full amount of the bail, the defendant shall continue to be liable to the court for the difference, unless otherwise ordered

by the court. If the defendant does not within that period satisfy the court that there was compliance with the conditions of release other than appearance or that compliance was impossible through no fault of the defendant, the court may continue the revocation order and enter judgment for the state or local unit of government against the defendant alone for an amount not to exceed the full amount of the bond, and costs of the court proceedings.

(c) The 10 percent bail deposit made under subrule (E)(1)(a)(ii)[B] must be applied to the costs and, if any remains, to the balance of the judgment. The amount applied to the judgment must be transferred to the county treasury for a circuit court case, to the treasuries of the governments contributing to the district control unit for a district court case, or to the treasury of the appropriate municipal government for a municipal court case. The balance of the judgment may be enforced and collected as a judgment entered in a civil case.

(3) If money was deposited on a bail or bond executed by the defendant, the money must be first applied to the amount of any fine, costs, or statutory assessments imposed and any balance returned, subject to subrule (I)(1).

Credits

[Adopted effective October 1, 1989; amended March 12, 1992, March 23, 1992, and May 21, 1992, effective June 1, 1992, 439 Mich; July 13, 2005, effective January 1, 2006, 473 Mich; May 22, 2007, effective September 1, 2007, 478 Mich; September 23, 2015, effective January 1, 2016, 498 Mich.]

Editors' Notes

COMMENTS

1989 Staff Comment

MCR 6.106 repeats former MCR 6.110. A court-appointed committee is developing a proposed revision of this rule.

Staff Comment to 1992 Amendment

Revised MCR 6.106 [effective June 1, 1992] is based on a proposed revision of the pretrial release rule submitted by a committee appointed by the Court to study the need for updating the former rule. The revised rule contains many of the changes recommended by the committee to improve the pretrial release procedure, and modifications made by the Court after consideration of comments received following publication.

The May 21, 1992 amendments of revised MCR 6.106, which is to take effect on June 1, 1992, make several technical changes.

Staff Comment to 2005 Amendment

On March 12, 2002, the Court appointed the Committee on the Rules of Criminal Procedure to review the rules to determine whether any of the provisions should be revised. The committee issued its report on June 16, 2003, recommending numerous amendments to existing rules, plus some new rules. A public hearing on the committee's recommendations was held May 27, 2004.

The Court adopted the committee's recommendations with respect to the amendments of Rules 2.511, 6.102, 6.104, 6.107, 6.112, 6.303, 6.304, 6.310, 6.311, 6.402, 6.412, 6.414, 6.419, 6.420, 6.427, 6.615, and 6.620, and the adoption of a new Rule 6.428.

Staff had recommended that a new 6.106(D)(2)(m) be adopted. The Court modified the recommendation to clarify that “the most restrictive provision of each order shall take precedence over the other court order until the conflict is resolved.” Rules 6.106(E) and 6.106(I) were amended to conform to the newly enacted 2004 PA 167 ([MCL 765.6](#)) and 2004 PA 332 ([MCL 765.28](#)).

Staff Comment to 2007 Amendment

This amendment clarifies that bail agents are liable only for the appearance of a defendant, and not for compliance with conditions imposed on a defendant by the court as part of a conditional release pursuant to MCR 6.106. The amendment also clarifies that a court may continue the revocation order and enter judgment against a defendant for failure to comply with the conditions of release or failure to satisfy the court that compliance with those conditions was impossible, regardless of whether the defendant failed to appear.

The amendment also prohibits a court from entering a judgment that includes the costs of the proceeding against a surety. [MCL 765.28](#) limits judgment against the surety to an amount not more than the full amount of the surety bond.

Staff Comment to 2016 Amendments

The amendment of MCR 6.106 clarifies that a court would determine issues concerning defendant's pretrial release, if any, at the time of defendant's arraignment on the complaint and/or warrant.

The amendments of MCR 6.106(B) and (D) clarify that courts are permitted to exercise their inherent power to order conditions, including but not limited to those conditions that restrict or prohibit a pretrial defendant's contact with any named person to be effective immediately, even while defendant remains in custody. These conditions are allowed in a custody order when the protective restriction or prohibition is reasonably necessary to maintain the integrity of the judicial proceedings or is reasonably necessary for the protection of one or more named persons.

MI Rules MCR 6.106, MI R RCRP MCR 6.106
Current with amendments received through 1/1/16

 KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

Michigan Compiled Laws Annotated
Chapter 28. Michigan State Police
Fingerprint and Criminal History Records Division (Refs & Annos)

M.C.L.A. 28.243

28.243. Collecting and forwarding biometric data of persons arrested; destruction of biometric data and arrest card; duties of clerk upon final disposition of charge; report; duties of department

Effective: December 14, 2012

[Currentness](#)

Sec. 3. (1) Except as provided in subsection (3), upon the arrest of a person for a felony or for a misdemeanor violation of state law for which the maximum possible penalty exceeds 92 days' imprisonment or a fine of \$1,000.00, or both, or a misdemeanor authorized for DNA collection under section 6(1)(b) of the DNA identification profiling system act, 1990 PA 250, [MCL 28.176](#), or for criminal contempt under section 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236, [MCL 600.2950](#) and [600.2950a](#), or criminal contempt for a violation of a foreign protection order that satisfies the conditions for validity provided in section 2950i of the revised judicature act of 1961, 1961 PA 236, [MCL 600.2950i](#), or for a juvenile offense, other than a juvenile offense for which the maximum possible penalty does not exceed 92 days' imprisonment or a fine of \$1,000.00, or both, or for a juvenile offense that is a misdemeanor authorized for DNA collection under section 6(1)(b) of the DNA identification profiling system act, 1990 PA 250, [MCL 28.176](#), the arresting law enforcement agency in this state shall collect the person's biometric data and forward the biometric data to the department within 72 hours after the arrest. The biometric data shall be sent to the department on forms furnished by or in a manner prescribed by the department, and the department shall forward the biometric data to the director of the federal bureau of investigation on forms furnished by or in a manner prescribed by the director.

(2) A law enforcement agency shall collect a person's biometric data under this subsection if the person is arrested for a misdemeanor violation of state law for which the maximum penalty is 93 days or for criminal contempt under section 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236, [MCL 600.2950](#) and [600.2950a](#), or criminal contempt for a violation of a foreign protection order that satisfies the conditions for validity provided in section 2950i of the revised judicature act of 1961, 1961 PA 236, [MCL 600.2950i](#), if the biometric data have not previously been collected and forwarded to the department under subsection (1). A law enforcement agency shall collect a person's biometric data under this subsection if the person is arrested for a violation of a local ordinance for which the maximum possible penalty is 93 days' imprisonment and that substantially corresponds to a violation of state law that is a misdemeanor for which the maximum possible term of imprisonment is 93 days. If the person is convicted of any violation, the law enforcement agency shall collect the person's biometric data before sentencing if not previously collected. The court shall forward to the law enforcement agency a copy of the disposition of conviction, and the law enforcement agency shall forward the person's biometric data and the copy of the disposition of conviction to the department within 72 hours after receiving the disposition of conviction in the same manner as provided in subsection (1). If the person is convicted of violating a local ordinance, the law enforcement agency shall indicate on the form sent to the department the statutory citation for the state law to which the local ordinance substantially corresponds.

(3) A person's biometric data are not required to be collected and forwarded to the department under subsection (1) or (2) solely because he or she has been arrested for violating section 904(3)(a) of the Michigan vehicle code, 1949 PA 300, [MCL 257.904](#), or a local ordinance substantially corresponding to section 904(3)(a) of the Michigan vehicle code, 1949 PA 300, [MCL 257.904](#).

(4) The arresting law enforcement agency may collect the biometric data of a person who is arrested for a misdemeanor punishable by imprisonment for not more than 92 days or a fine of not more than \$1,000.00, or both, and who fails to produce satisfactory evidence of identification as required by section 1 of 1961 PA 44, [MCL 780.581](#). These biometric data shall be forwarded to the department immediately. Upon completion of the identification process by the department, the biometric data shall be destroyed.

(5) An arresting law enforcement agency in this state may collect the person's biometric data upon an arrest for a misdemeanor other than a misdemeanor described in subsection (1), (2), or (4), and may forward the biometric data to the department.

(6) If a court orders the collection of a person's biometric data under section 11 or 18 of chapter XIIA of the probate code of 1939, 1939 PA 288, [MCL 712A.11](#) and [712A.18](#), or section 29 of chapter IV or section 1 of chapter IX of the code of criminal procedure, 1927 PA 175, [MCL 764.29](#) and [769.1](#), the law enforcement agency shall forward the biometric data and arrest card to the department.

(7) If a petition is not authorized for a juvenile accused of a juvenile offense, if a person arrested for having committed an offense for which biometric data were collected under this section is released without a charge made against him or her, or if criminal contempt proceedings are not brought or criminal charges are not made against a person arrested for criminal contempt for a personal protection order violation under section 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236, [MCL 600.2950](#) and [600.2950a](#), or criminal contempt for a violation of a foreign protection order that meets the requirements for validity under section 2950i of the revised judicature act of 1961, 1961 PA 236, [MCL 600.2950i](#), the official taking or holding the person's biometric data and arrest card shall immediately destroy the biometric data and arrest card. The law enforcement agency shall notify the department in a manner prescribed by the department that a petition was not authorized against the juvenile or that a charge was not made or that a criminal contempt proceeding was not brought against the arrested person if the juvenile's or arrested person's arrest card was forwarded to the department.

(8) If a juvenile is adjudicated and found not to be within the provisions of section 2(a)(1) of chapter XIIA of the probate code of 1939, 1939 PA 288, [MCL 712A.2](#), or if an accused is found not guilty of an offense for which biometric data were collected under this section, upon final disposition of the charge against the accused or juvenile, the biometric data and arrest card shall be destroyed by the official holding those items and the clerk of the court entering the disposition shall notify the department of any finding of not guilty or nolle prosequi, if it appears that the biometric data of the accused were initially collected under this section, or of any finding that a juvenile alleged responsible for a juvenile offense is not within the provisions of section 2(a)(1) of chapter XIIA of the probate code of 1939, 1939 PA 288, [MCL 712A.2](#).

(9) Upon final disposition of the charge against the accused, the clerk of the court entering the disposition shall immediately advise the department of the final disposition of the arrest for which the person's biometric data were collected if a juvenile was adjudicated to have committed a juvenile offense or if the accused was convicted of an offense for which the biometric data of the accused were collected under this section or section 16a of chapter IX of the code of criminal procedure, 1927 PA 175, [MCL 769.16a](#). With regard to any adjudication or conviction, the clerk shall transmit to the department information as to any adjudication or finding of guilty or guilty but mentally ill; any plea of guilty, nolo contendere, or guilty but mentally ill; the offense of which the accused was convicted; and a summary of any deposition or sentence imposed. The summary of the sentence shall include any probationary term; any minimum, maximum, or alternative term of imprisonment; the total of all fines, costs, and restitution ordered; and any modification of sentence. If the sentence is imposed under any of the following sections, the report shall so indicate:

- (a) Section 7411 of the public health code, 1978 PA 368, [MCL 333.7411](#).
- (b) Section 1076(4) of the revised judicature act of 1961, 1961 PA 236, [MCL 600.1076](#).
- (c) Sections 11 to 15 of chapter II of the code of criminal procedure, 1927 PA 175, [MCL 762.11](#) to [762.15](#).
- (d) Section 4a of chapter IX of the code of criminal procedure, 1927 PA 175, [MCL 769.4a](#).
- (e) Section 350a(4) of the Michigan penal code, 1931 PA 328, [MCL 750.350a](#).
- (f) Section 430(8)(a) of the Michigan penal code, 1931 PA 328, [MCL 750.430](#).
- (g) Section 1209(6) of the revised judicature act of 1961, 1961 PA 236, [MCL 600.1209](#).
- (10) The department shall record the disposition of each charge and shall inform the director of the federal bureau of investigation of the final disposition of any arrest or offense for which a person's biometric data were collected under this section or section 16a of chapter IX of the code of criminal procedure, 1927 PA 175, [MCL 769.16a](#).
- (11) The department shall compare the biometric data received with those already on file and if the department finds that the person arrested has a criminal record, the department shall immediately inform the arresting agency and prosecuting attorney of this fact.
- (12) The provisions of subsection (8) that require the destruction of the biometric data and the arrest card do not apply to a person who was arraigned for any of the following:
 - (a) The commission or attempted commission of a crime with or against a child under 16 years of age.
 - (b) Rape.
 - (c) Criminal sexual conduct in any degree.
 - (d) Sodomy.
 - (e) Gross indecency.
 - (f) Indecent liberties.

(g) Child abusive commercial activities.

(h) A person who has a prior conviction, other than a misdemeanor traffic offense, unless a judge of a court of record, except the probate court, by express order on the record, orders the destruction or return of the biometric data and arrest card.

(i) A person arrested who is a juvenile charged with an offense that would constitute the commission or attempted commission of any of the crimes in this subsection if committed by an adult.

(13) Subsection (5) does not permit the forwarding to the department of the biometric data of a person accused and convicted under the Michigan vehicle code, 1949 PA 300, [MCL 257.1](#) to [257.923](#), or a local ordinance substantially corresponding to a provision of that act, unless the offense is punishable upon conviction by imprisonment for more than 92 days or is an offense that is punishable by imprisonment for more than 92 days upon a subsequent conviction.

Credits

Amended by P.A.1986, No. 231, § 1, Eff. June 1, 1987; P.A.1988, No. 40, § 1, Eff. June 1, 1988; P.A.1989, No. 97, § 1, Imd. Eff. June 21, 1989; P.A.1999, No. 77, Eff. Oct. 1, 1999; P.A.1999, No. 266, Imd. Eff. Dec. 29, 1999; P.A.2001, No. 187, Eff. April 1, 2002; P.A.2001, No. 203, Eff. Oct. 1, 2002; P.A.2002, No. 694, Imd. Eff. Dec. 30, 2002; P.A.2004, No. 222, Eff. Jan. 1, 2005; P.A.2012, No. 374, Imd. Eff. Dec. 14, 2012.

[Notes of Decisions \(35\)](#)

M. C. L. A. 28.243, MI ST 28.243

The statutes are current through P.A.2016, No. 8 of the 2016 Regular Session, 98th Legislature.

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT	MOTION TO DESTROY DNA PROFILE AND SAMPLE	CASE NO.
---	---	-----------------

ORI _____ Court address _____ Court telephone no. _____
MI- _____

Police Report No.

<p>THE PEOPLE OF <input type="checkbox"/> The State of Michigan</p> <p><input type="checkbox"/> _____</p>	v	<p>Defendant/Juvenile's name, address, and telephone no.</p>			
		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;">CTN/TCN</td> <td style="width:33%;">SID</td> <td style="width:33%;">DOB</td> </tr> </table>	CTN/TCN	SID	DOB
CTN/TCN	SID	DOB			

Juvenile In the matter of _____

Count	CRIME	CHARGE CODE(S) MCL citation/PACC Code

MOTION

1. I, _____, state that on _____
Name (type or print) Date

The offense(s) charged against me in this case was/were dismissed.
 I was acquitted of all offenses(s) charged against me in this case.
 I was arrested, a DNA sample was taken from me, but no charge was filed within the limitations period.

2. The arresting agency and the Michigan State Police has not destroyed the DNA profile and sample.

3. **I REQUEST** that my DNA profile and sample be destroyed by the arresting agency and Michigan State Police.

Date Signature

NOTICE OF HEARING

A hearing will be held on this motion on _____ at _____
Date Time

at _____ before Hon. _____
Location Bar no.

CERTIFICATE OF MAILING

I certify that on this date I served a copy of this order on the parties or their attorneys by first-class mail addressed to their last-known addresses as defined in MCR 2.107(C)(3).

Date Signature

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT	ORDER TO DESTROY DNA PROFILE AND SAMPLE	CASE NO.
---	--	-----------------

ORI _____ Court address _____ Court telephone no. _____
 MI- _____
 Police Report No. _____

THE PEOPLE OF <input type="checkbox"/> The State of Michigan <input type="checkbox"/> _____ _____	v	Defendant/Juvenile's name, address, and telephone no. _____ _____ _____			
		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;">CTN/TCN</td> <td style="width:33%;">SID</td> <td style="width:33%;">DOB</td> </tr> </table>	CTN/TCN	SID	DOB
CTN/TCN	SID	DOB			

Juvenile In the matter of _____

Count	CRIME	CHARGE CODE(S) MCL citation/PACC Code

1. _____ filed a motion requesting that his/her DNA profile and sample
 Name of defendant/juvenile
 be destroyed by the arresting agency and Michigan State Police as required by law.
2. A hearing was held on the motion on _____ .
 Date

IT IS ORDERED:

3. In accordance with MCL 28.176, the arresting agency and Michigan State Police shall
 - not destroy or expunge the DNA profile and sample of the defendant/juvenile.
 - immediately destroy the DNA profile and sample of the defendant/juvenile in the manner provided by MCL 28.176(13) and (14) and provide certification of that fact to the defendant/juvenile.

 Date Judge Bar no.

CERTIFICATE OF MAILING

I certify that on this date I served a copy of this order on the parties or their attorneys by first-class mail addressed to their last-known addresses as defined in MCR 2.107(C)(3).

 Date Signature

Michigan Compiled Laws Annotated
Chapter 28. Michigan State Police
DNA Identification Profiling System Act (Refs & Annos)

M.C.L.A. 28.176

28.176. DNA identification profile; retention; disclosure; collection and forwarding of samples; notice; assessment; report; disposal of sample and profile; circumstances, manner, record, and notice; good-faith errors

Effective: July 1, 2015

[Currentness](#)

Sec. 6. (1) Except as otherwise provided in this section, the department shall permanently retain a DNA identification profile of an individual obtained from a sample in the manner prescribed by the department under this act if any of the following apply:

(a) The individual is arrested for committing or attempting to commit a felony offense or an offense that would be a felony offense if committed by an adult.

(b) The individual is convicted of or found responsible for a felony or attempted felony, or any of the following misdemeanors, or local ordinances that are substantially corresponding to the following misdemeanors:

(i) A violation of section 167(1)(c), (f), or (i) of the Michigan penal code, 1931 PA 328, [MCL 750.167](#), disorderly person by window peeping, engaging in indecent or obscene conduct in public, or loitering in a house of ill fame or prostitution.

(ii) A violation of section 335a(1) of the Michigan penal code, 1931 PA 328, [MCL 750.335a](#), indecent exposure.

(iii) A violation punishable under section 451(1) or (2) of the Michigan penal code, 1931 PA 328, [MCL 750.451](#), first and second prostitution violations.

(iv) A violation of section 454 of the Michigan penal code, 1931 PA 328, [MCL 750.454](#), leasing a house for purposes of prostitution.

(2) The DNA profiles of DNA samples received under this act shall only be disclosed as follows:

(a) To a criminal justice agency for law enforcement identification purposes.

(b) In a judicial proceeding as authorized or required by a court.

(c) To a defendant in a criminal case if the DNA profile is used in conjunction with a charge against the defendant.

(d) For an academic, research, statistical analysis, or protocol developmental purpose only if personal identifications are removed.

(3) Notwithstanding subsection (1), if at the time the individual is arrested, convicted of, or found responsible for the violation the investigating law enforcement agency or the department already has a sample from the individual that meets the requirements of this act, the individual is not required to provide another sample or pay the assessment required under subsection (5).

(4) The county sheriff or the investigating law enforcement agency as ordered by the court shall provide for collecting the samples required to be provided under subsection (1) in a medically approved manner by qualified persons using supplies provided by the department and shall forward those samples and any samples described in subsection (1) that were already in the agency's possession to the department after the individual from whom the sample was taken has been arraigned in the district court. However, the individual's DNA sample shall not be forwarded to the department if the individual is not charged with committing or attempting to commit a felony offense or an offense that would be a felony if committed by an adult. If the individual's DNA sample is forwarded to the department despite the individual not having been charged as described in this subsection, the law enforcement agency shall notify the department to destroy that sample. The collecting and forwarding of samples shall be done in the manner required under this act. A sample shall be collected by the county sheriff or the investigating law enforcement agency after arrest but before sentencing or disposition as ordered by the court and promptly transmitted to the department of state police after the individual is charged with committing or attempting to commit a felony offense or an offense that would be a felony if committed by an adult. This subsection does not preclude a law enforcement agency or state agency from obtaining a sample at or after sentencing or disposition. At the time a DNA sample is taken from an individual under this section, the individual shall be notified in writing of all of the following:

(a) That, except as otherwise provided by law, the individual's DNA sample or DNA profile, or both, shall be destroyed or expunged, as appropriate, if the charge for which the sample was obtained has been dismissed or resulted in acquittal, or no charge was filed within the limitations period.

(b) That the individual's DNA sample or profile, or both, will not be destroyed or expunged, as appropriate, if the department determines that the individual from whom the sample is taken is otherwise obligated to submit a sample or if it is evidence relating to another individual that would otherwise be retained under this section.

(c) That the burden is on the arresting law enforcement agency and the prosecution to request the destruction or expunction of a DNA sample or profile as required under this section, not on the individual.

(5) The court shall order each individual found responsible for or convicted of 1 or more crimes listed in subsection (1) to pay an assessment of \$60.00. The assessment required under this subsection is in addition to any fine, costs, or other assessments imposed by the court.

(6) An assessment required under subsection (5) shall be ordered upon the record and shall be listed separately in the adjudication order, judgment of sentence, or order of probation.

(7) After reviewing a verified petition by an individual against whom an assessment is imposed under subsection (5), the court may suspend payment of all or part of the assessment if it determines the individual is unable to pay the assessment.

(8) The court that imposes the assessment prescribed under subsection (5) may retain 10% of all assessments or portions of assessments collected for costs incurred under this section and shall transmit that money to its funding unit. On the last day of each month, the clerk of the court shall transmit the assessments or portions of assessments collected under this section as follows:

(a) Twenty-five percent to the county sheriff or other investigating law enforcement agency that collected the DNA sample as designated by the court to defray the costs of collecting DNA samples.

(b) Sixty-five percent to the state treasurer for deposit in the justice system fund created in section 181 of the revised judicature act of 1961, 1961 PA 236, [MCL 600.181](#).

(9) The director of the department shall report by December 31 of each year concerning the rate of DNA sample collection, DNA identification profiling, retention and compilation of DNA identification profiles, and the collection of assessments required under subsection (5) to all of the following:

(a) The standing committees of the senate and house of representatives concerned with DNA sample collection and retention.

(b) The house of representatives appropriations subcommittee on state police and military affairs.

(c) The senate appropriations subcommittee on state police.

(10) If a sample was collected under subsection (1) from an individual who does not have more than 1 conviction, and that conviction was reversed by an appellate court, the sentencing court shall order the disposal of the sample collected and DNA identification profile record for that conviction in the manner provided in subsections (13) and (14).

(11) Any other DNA identification profile obtained by the department shall not be permanently retained by the department but shall be retained only as long as it is needed for a criminal investigation or criminal prosecution. Except as provided in subsection (12), the state police forensic laboratory shall dispose of a DNA sample collected under subsection (1) or a DNA identification profile, or both, if any of the following circumstances occur:

(a) The department receives a written request for disposal from the investigating police agency or prosecutor indicating that the sample or profile is no longer necessary for a criminal investigation or criminal prosecution.

(b) The department receives a written request for disposal and a certified copy of a final court order establishing that the charge for which the sample was obtained has been dismissed or has resulted in an acquittal or that no charge was filed within the applicable limitations period.

(12) Subsection (11) does not apply if either of the following circumstances exists:

(a) The department determines that the individual from whom the sample is taken has otherwise become obligated to submit a sample.

(b) Subsection (16) applies.

(13) The state police forensic laboratory shall dispose of a sample and a DNA identification profile record in the following manner:

(a) Not more than 60 days after the department receives notice under subsection (11), the laboratory shall dispose of the sample in compliance with section 13811 of the public health code, 1978 PA 368, [MCL 333.13811](#).

(b) The laboratory shall dispose of the sample and the DNA identification profile record in the presence of a witness.

(14) After disposal in accordance with subsection (13), the laboratory shall make and keep a written record of the disposal, signed by the individual who witnessed the disposal.

(15) An identification, warrant, detention, probable cause to arrest, arrest, or conviction based upon a DNA match or DNA information is not invalidated if it is later determined that 1 or more of the following errors occurred in good faith:

(a) A DNA sample was erroneously obtained.

(b) A DNA identification profile was erroneously retained.

(c) A DNA sample was not disposed of or there was a delay in disposing of the sample.

(d) A DNA identification profile was not disposed of or there was a delay in disposing of the profile.

(16) Notwithstanding any other provision of this act, the department is not required to dispose of physical evidence or data obtained from a sample if evidence relating to an individual other than the individual from whom the sample was taken would be destroyed and the evidence or data relating to the other individual would otherwise be retained under this section.

(17) The department shall send written notice to the requesting law enforcement agency, court, or prosecutor when the individual's DNA sample or profile has been destroyed under this act.

Credits

P.A.1990, No. 250, § 6, Eff. Sept. 1, 1994. Amended by P.A.1996, No. 508, § 1, Imd. Eff. Jan. 9, 1997; P.A.2000, No. 30, Imd. Eff. March 15, 2000; P.A.2001, No. 87, Eff. Jan. 1, 2002; P.A.2003, No. 76, Eff. Oct. 1, 2003; P.A.2008, No. 535, Imd. Eff. Jan. 13, 2009; P.A.2014, No. 457, Eff. July 1, 2015.

M. C. L. A. 28.176, MI ST 28.176

The statutes are current through P.A.2016, No. 8 of the 2016 Regular Session, 98th Legislature.

End of Document

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DRAFT

Original - Prosecutor
1st copy - Defendant
2nd copy - Forensic analyst

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT	CERTIFICATE REGARDING FORENSIC REPORT	CASE NO.
---	--	-----------------

ORI _____ Court address _____ Court telephone no. _____
MI- _____

THE PEOPLE OF	<input type="checkbox"/> The State of Michigan <input type="checkbox"/> _____ _____
---------------	---

v

Defendant, address, and telephone no.		
CTN	SID	DOB

I, _____, am a forensic analyst and I certify that
Name (type or print)

1. I conducted analysis on a forensic sample for the defendant on _____
Date

2. I am qualified by education, training, and experience to perform the forensic analysis.

3. The forensic analysis was performed at _____
Name of laboratory
 located at _____
Address City State Zip

4. Performing the forensic analysis is part of my regular duties.

5. The tests were performed under industry-approved procedures or standards, and the report accurately reflects my findings and opinions regarding the results of those tests or analysis.

Date

Signature of forensic analyst

Address

City, state, zip Telephone no.

Michigan Compiled Laws Annotated
 Michigan Court Rules of 1985
 Chapter 6. Criminal Procedure
 Subchapter 6.200. Discovery

MI Rules MCR 6.202

RULE 6.202 DISCLOSURE OF FORENSIC LABORATORY REPORT AND CERTIFICATE; APPLICABILITY;
 ADMISSIBILITY OF REPORT AND CERTIFICATE; EXTENSION OF TIME; ADJOURNMENT

Currentness

(A) This rule shall apply to criminal trials in the district and circuit courts.

(B) Disclosure. Upon receipt of a forensic laboratory report and certificate, if applicable, by the examining expert, the prosecutor shall serve a copy of the laboratory report and certificate on the opposing party's attorney or party, if not represented by an attorney, within 14 days after receipt of the laboratory report and certificate. A proof of service of the report and certificate, if applicable, on the opposing party's attorney or party, if not represented by an attorney, shall be filed with the court.

(C) Notice and Demand.

(1) *Notice.* If a party intends to offer the report described in subsection (B) as evidence at trial, the party's attorney or party, if not represented by an attorney, shall provide the opposing party's attorney or party, if not represented by an attorney, with notice of that fact in writing. If the prosecuting attorney intends to offer the report as evidence at trial, notice to the defendant's attorney or the defendant, if not represented by an attorney, shall be included with the report. If the defendant intends to offer the report as evidence at trial, notice to the prosecuting attorney shall be provided within 14 days after receipt of the report. Except as provided in subrule (C)(2), the report and certification, if applicable, is admissible in evidence to the same effect as if the person who performed the analysis or examination had personally testified.

(2) *Demand.* Upon receipt of a copy of the laboratory report and certificate, if applicable, the opposing party's attorney or party, if not represented by an attorney, may file a written objection to the use of the laboratory report and certificate. The written objection shall be filed with the court in which the matter is pending, and shall be served on the opposing party's attorney or party, if not represented by an attorney, within 14 days of receipt of the notice. If a written objection is filed, the report and certificate are not admissible under subrule (C)(1). If no objection is made to the use of the laboratory report and certificate within the time allowed by this section, the report and certificate are admissible in evidence as provided in subrule (C)(1).

(3) For good cause the court shall extend the time period of filing a written objection.

(4) *Adjournment.* Compliance with this court rule shall be good cause for an adjournment of the trial.

(D) Certification. Except as otherwise provided, the analyst who conducts the analysis on the forensic sample and signs the report shall complete a certificate on which the analyst shall state (i) that he or she is qualified by education, training, and experience to perform the analysis, (ii) the name and location of the laboratory where the analysis was performed, (iii) that

performing the analysis is part of his or her regular duties, and (iv) that the tests were performed under industry-approved procedures or standards and the report accurately reflects the analyst's findings and opinions regarding the results of those tests or analysis. A report submitted by an analyst who is employed by a laboratory that is accredited by a national or international accreditation entity that substantially meets the certification requirements described above may provide proof of the laboratory's accreditation certificate in lieu of a separate certificate.

Credits

[Adopted September 19, 2012, effective January 1, 2013, 493 Mich.]

COMMENTS

2013 Staff Comment

The revision of [MCR 6.001](#) provides a cross reference to MCR 6.202, a new rule adopted in this order. MCR 6.202 incorporates a “notice and demand” procedure into the Michigan Court Rules with regard to forensic reports. Under the rule, a party could seek to admit a forensic report as evidence if notice requirements are met and no objection is filed. If a party objects to admission of the report, the analyst would be required to testify.

MI Rules MCR 6.202, MI R RCRP MCR 6.202

Current with amendments received through 1/1/16

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