



LAW ENFORCEMENT INFORMATION NETWORK Conditional Bond Order Requirement Changes

This correspondence is being distributed to authorized Law Enforcement Information Network (LEIN) user agencies as a guide to changes to the requirements for entry of conditional bond orders.

Public Act 316 of 2014, effective January 12, 2015, amended Michigan Compiled Law (MCL) 765.6b. The amendments made two important changes relative to the entry of conditional bond orders in LEIN:

1. Authorizes courts to enter, amend, and remove conditional bond orders in LEIN.
2. Authorizes a judge or district court magistrate to issue a new type of conditional bond order.

Pursuant to the amendments to MCL 765.6b, a judge or district court magistrate may order the issuing court or a law enforcement agency to enter, amend, or remove conditional bond orders in LEIN. Previously, a judge or district court magistrate could only order a law enforcement agency to enter, amend, or remove a conditional bond order in LEIN.

Additionally, the amendments allow a judge or district court magistrate to release a defendant subject to conditions reasonably necessary for the protection of the public if the defendant has submitted to a preliminary roadside analysis that detects the presence of alcoholic liquor, a controlled substance, or other intoxicating substance, or any combination of them, and a subsequent chemical test is pending. The judge or district court shall inform the defendant, either orally or by a writing that is personally delivered to the defendant, of both of the following:

1. As a condition of release, the defendant shall not operate a motor vehicle under the influence of alcoholic liquor, a controlled substance, or another intoxicating substance, or any combination of them, as a condition of release.
2. If the defendant violates the above condition of release, he or she will be subject to arrest without a warrant, shall have his or her bail forfeited or revoked, and shall not be released from custody prior to arraignment.

The judge or district court magistrate shall immediately direct the issuing court or a law enforcement agency within the jurisdiction of the court, in writing, to enter this order or amended order into LEIN. The issuing court or law enforcement agency within the jurisdiction of the court shall immediately enter the order or amended order into LEIN. If the order or amended order is rescinded, the judge or district court magistrate shall immediately order the issuing court or law enforcement agency to remove the order or amended order from LEIN. The issuing court or law enforcement agency within the jurisdiction of the court shall immediately remove the order or amended order from LEIN.

As a reminder, in accordance with the Criminal Justice Information System (CJIS) Administrative Rules and LEIN policy, conditional bond orders must be able to be confirmed 24 hours per day, seven days per week, regardless of the agency that enters the orders. Courts entering these records should work with the appropriate law enforcement agency or its designee to ensure 24x7 confirmation, and must formalize the agreement in writing (Hit-Confirmation Agreement).

Questions regarding this information may be directed to Ms. Liz Canfield of LEIN Field Services at (517) 241-0639 or canfielde@michigan.gov, or email mspleinfss@michigan.gov.