

DEPARTMENT OF MILITARY AFFAIRS  
OFFICE OF THE DIRECTOR AND ADJUTANT GENERAL  
INTERIM BOND PROCEDURES

(By authority conferred on the adjutant general by section 147 of Act No. 523 of the Public Acts of 1980, being S32.1147 of the Michigan Compiled Laws)

R 32.101 Definitions.

Rule 1. As used in these rules:

- (a) "Act" means Act No. 523 of the Public Acts of 1980, being S32.1001 et seq. of the Michigan Compiled Laws.
- (b) "Apprehension" means the taking of a person of the state military forces into custody pursuant to a warrant of arrest issued by a convening authority or military judge.
- (c) "Department" means the department of military affairs for the state of Michigan.

History: 1986 AACS.

R 32.102 Setting bond; amount; expiration.

Rule 2. (1) A warrant of arrest issued by a convening authority or military judge shall not be delivered to a law enforcement agency or otherwise executed until bond has been set on the face of the warrant by a military judge.

(2) Bond shall not exceed \$100.00.

(3) Each warrant shall expire not later than 120 days from its date of issuance or on the date of the accused's discharge from the Michigan army or air national guard, whichever is earlier.

History: 1986 AACS.

R 32.103 Posting of bond; conditions; forfeiture.

Rule 3. Any member of the state military forces apprehended pursuant to a warrant issued by a convening authority or military judge shall be allowed to post a cash interim bond, conditioned on his or her appearance at all drill assemblies, annual training, and judicial and nonjudicial proceedings until his or her case is terminated. Failure to comply with the terms of the bond shall result in forfeiture of the bond to the state of Michigan. Notice of such forfeiture shall be sent to the accused at his or her home of record.

History: 1986 AACS.

R 32.104 Transmittal of warrant; journal; case control number; delivery to state police.

Rule 4. Each warrant of arrest signed by a convening authority or military judge shall be forwarded to the office of the state judge advocate general who shall do all of the following:

- (a) Maintain a journal of all warrants transmitted to him or her.
- (b) Enter a case control number on each warrant.
- (c) Deliver a copy of the signed warrant to the Michigan state police for entry into its law enforcement information network.

History: 1986 AACS.

R 32.105 Service of warrant; apprehension.

Rule 5. (1) A warrant of arrest shall be served by any person authorized to serve a warrant of arrest in this state or by any military personnel designated for that purpose by the accused's commanding officer.

(2) Any law enforcement officer of the state of Michigan, or of any political subdivision thereof, may apprehend an accused upon notice that a warrant of arrest has been issued for the accused.

History: 1986 AACS.

R 32.106 Acceptance of bond; receipt; transmittal.

Rule 6. (1) Any district court, law enforcement agency, or representative thereof may accept a cash interim bond posted by the accused in accordance with these rules and shall forward the bond, either by cash or check, to the Department of Military Affairs, Attention: MITAG-JA, 2500 S. Washington, Lansing, Michigan 48913.

(2) The agency or person accepting the bond may issue an interim bond receipt used in accordance with Act No. 44 of the Public Acts of 1961, as amended, being S780.581 et seq. of the Michigan Compiled Laws.

History: 1986 AACS.

R 32.107 Confinement of accused; transfer; release from custody.

Rule 7. If an accused who is apprehended pursuant to a warrant of arrest is unable to post the amount of bond set in the warrant, the apprehending law enforcement agency shall do either of the following:

(a) Transfer, as soon as practicable, the accused to a county jail where the accused resides or where his or her unit is located if the jail is in the county where the accused is arrested and if the person in charge of the jail will accept the accused for confinement.

(b) Transfer, as soon as practicable, the accused to a place of confinement under the control of the state military forces or county jail designated by the adjutant general.

History: 1986 AACS.