

# HOUSE BILL No. 4677

April 16, 1991, Introduced by Rep. Clack and referred to the Committee on Transportation.

A bill to amend section 727 of Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code," as amended by Act No. 63 of the Public Acts of 1983, being section 257.727 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 727 of Act No. 300 of the Public Acts of  
2 1949, as amended by Act No. 63 of the Public Acts of 1983, being  
3 section 257.727 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5 Sec. 727. ~~When~~ IF a person is arrested without a warrant  
6 in any of the following cases, the arrested person shall, without  
7 unreasonable delay, be taken before a magistrate who is nearest  
8 or most accessible within the judicial district as provided in  
9 section 13 of chapter IV of the code of criminal procedure, Act

1 No. 175 of the Public Acts of 1927, being section 764.13 of the  
2 Michigan Compiled Laws, or, if a minor, taken before the probate  
3 court within the county in which the offense charged is alleged  
4 to have been committed:

5 (1) ~~When the~~ THE person is arrested upon a charge of neg-  
6 ligent homicide.

7 (2) ~~When the~~ THE person is arrested under section 625 or  
8 an ordinance substantially corresponding to that section. IF,  
9 UNDER THE EXISTING CIRCUMSTANCES, IT DOES NOT APPEAR THAT RELEAS-  
10 ING THE PERSON PENDING THE ISSUANCE OF A WARRANT WILL CONSTITUTE  
11 A PUBLIC MENACE, THE ARRESTING OFFICER MAY PROCEED IN SUCH CASES  
12 AS PROVIDED BY SECTION 728.

13 (3) ~~When a~~ THE person is arrested under section 626 or an  
14 ordinance substantially corresponding to that section. If, under  
15 the existing circumstances, it does not appear that releasing the  
16 person pending the issuance of a warrant will constitute a public  
17 menace, the arresting officer may proceed in such cases as pro-  
18 vided by section 728.

19 (4) ~~When a~~ THE person arrested does not have in his or her  
20 immediate possession a valid operator's or chauffeur's license or  
21 the receipt described in section 311a. If the arresting officer  
22 otherwise satisfactorily determines the identity of the person  
23 and the practicability of subsequent apprehension ~~in the event~~  
24 ~~of the person's failure to voluntarily appear~~ IF THE PERSON  
25 FAILS TO APPEAR VOLUNTARILY before a designated magistrate or  
26 probate court as directed, the officer may release the person

1 from custody with instructions to appear in court, given in the  
2 form of a citation as prescribed by section 728.