

# HOUSE BILL No. 4850

May 22, 1991, Introduced by Reps. Yokich, Martin, Nye, Jondahl, Fitzgerald, Perry Bullard, Strand, Palamara, Bandstra, Bennane, Murphy, Profit, Power and Wallace and referred to the Committee on Judiciary.

A bill to amend sections 162, 163, and 164 of Act No. 303 of the Public Acts of 1967, entitled as amended

"Marine safety act,"

as amended by Act No. 494 of the Public Acts of 1988, being sections 281.1162, 281.1163, and 281.1164 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 162, 163, and 164 of Act No. 303 of the  
2 Public Acts of 1967, as amended by Act No. 494 of the Public Acts  
3 of 1988, being sections 281.1162, 281.1163, and 281.1164 of the  
4 Michigan Compiled Laws, are amended to read as follows:

5       Sec. 162. ~~Whenever~~ WHEN, UNDER ANY OF THE FOLLOWING  
6 CIRCUMSTANCES, a person is arrested without a warrant for ~~any~~ A  
7 violation of this act or ~~of a provision of any~~ local  
8 ordinance or rule established in conformity with this act, THAT

1 IS punishable as a misdemeanor, the arrested person shall, ~~be~~  
2 ~~taken,~~ without unreasonable delay, ~~before~~ BE ARRAIGNED BY a  
3 magistrate or a district court judge within the county in which  
4 the offense charged is alleged to have been committed and who has  
5 jurisdiction of the offense and is nearest or most accessible  
6 ~~with reference~~ to the place where the arrest is made: ~~, in~~  
7 ~~any of the following cases:~~

8 (a) ~~When the~~ THE person is arrested upon a charge of neg-  
9 ligent homicide.

10 (b) ~~When the~~ THE person is arrested under section 73 or  
11 section 73b.

12 (c) ~~When a~~ THE person is arrested under section 74. ~~When~~  
13 ~~in the existing circumstances~~ IF it does not appear that releas-  
14 ing the person pending the issuance of a warrant will constitute  
15 a public menace, the arresting officer may proceed ~~in such~~  
16 ~~cases~~ as provided ~~by~~ UNDER section 163.

17 Sec. 163. (1) When a person is arrested without a warrant  
18 for any violation of this act punishable as a misdemeanor, or of  
19 a provision of any local ordinance or rule established in con-  
20 formity with this act, under conditions not referred to in sec-  
21 tion 162, the arresting officer shall prepare in duplicate a  
22 written notice to appear in court containing the name and address  
23 of the person, the offense charged, and the time and place when  
24 and where the person shall appear in court. If the arrested  
25 person so demands, he or she shall be ~~taken before~~ ARRAIGNED BY  
26 a magistrate or a district court judge as provided in section 162  
27 in lieu of being given the notice.

1 (2) The time specified in the notice to appear shall be  
2 within a reasonable time after the arrest unless the person  
3 arrested demands an earlier hearing.

4 (3) The place specified in the notice to appear shall be  
5 before a magistrate or a district court judge within the township  
6 or county in which the offense charged is alleged to have been  
7 committed and who has jurisdiction of the offense.

8 (4) Appearance may be made in person, by representation or  
9 by mail. When appearance is made by representation, or mail, the  
10 magistrate or the district court judge may accept the plea of  
11 guilty or not guilty for purposes of arraignment, with the same  
12 effect as though the person personally appeared before him or  
13 her. The magistrate or the district court judge, by giving  
14 notice 5 days' prior to the date of appearance, may require  
15 appearance in person at the time and place designated in the  
16 notice.

17 Sec. 164. (1) When a person not a resident of this state is  
18 arrested without a warrant for any violation of this act under  
19 conditions not referred to under section 162, the officer making  
20 the arrest, upon demand of the arrested person, shall ~~forthwith~~  
21 IMMEDIATELY take the person ~~before~~ FOR ARRAIGNMENT BY a magis-  
22 trate or a district court judge in the vicinity to answer to the  
23 complaint made against him or her. If a magistrate or a district  
24 court judge is not available or an immediate trial cannot be had,  
25 the person arrested may recognize to ~~such~~ THE officer for his  
26 or her appearance by leaving with him or her a sum of money not  
27 to exceed \$25.00.

1       (2) ~~In all cases the~~ THE officer making the arrest shall  
2 give a receipt to the person arrested for the money ~~so~~ depos-  
3 ited with him or her UNDER SUBSECTION (1) together with a written  
4 summons as provided in section 163.

5       (3) If the offender fails to appear as required, the deposit  
6 shall be forfeited as in other cases of default in bail, in addi-  
7 tion to any other penalty provided in this act.

8       (4) ~~Every officer~~ WITHIN 48 HOURS AFTER taking a deposit  
9 under this section, ~~within 48 hours thereafter~~ THE OFFICER  
10 shall deposit ~~it~~ THE MONEY with the magistrate or the district  
11 court judge named in the notice to appear, together with a report  
12 stating the facts relating to the arrest. Failure to make the  
13 report and deposit the money is embezzlement of public money.

14       Section 2. This amendatory act shall not take effect unless  
15 all of the following bills of the 86th Legislature are enacted  
16 into law:

17       (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 4848 (request  
18 no. 01391'91).

19       (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 4849 (request  
20 no. 01392'91).

21       (c) Senate Bill No. \_\_\_\_\_ or House Bill No. 4851 (request  
22 no. 01394'91).

23       (d) Senate Bill No. \_\_\_\_\_ or House Bill No. 4852 (request  
24 no. 01395'91).