

HOUSE BILL No. 5167

September 25, 1991, Introduced by Rep. Barns and referred to the Committee on Judiciary.

A bill to amend section 2a of chapter IV of Act No. 175 of the Public Acts of 1927, entitled as amended

"The code of criminal procedure,"

being section 764.2a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 2a of chapter IV of Act No. 175 of the
2 Public Acts of 1927, being section 764.2a of the Michigan
3 Compiled Laws, is amended to read as follows:

4 CHAPTER IV

5 Sec. 2a. (1) A peace officer of a county, city, village, or
6 township of this state may exercise authority and powers outside
7 his OR HER own county, city, village, or township ~~—~~ when ~~he~~
8 ~~is~~ enforcing the laws of this state in conjunction with the
9 Michigan state police, or in conjunction with a peace officer of
10 the county, city, village, or township in which he OR SHE may be,

1 the same as if ~~he~~ THE PEACE OFFICER were in his OR HER own
2 county, city, village, or township.

3 (2) A PEACE OFFICER MAY ARREST A PERSON WITHOUT A WARRANT
4 FOR AN OFFENSE DESCRIBED IN SUBDIVISION (A) AND REQUEST THE
5 PERSON TO TAKE A CHEMICAL TEST OF HIS OR HER BLOOD, URINE, OR
6 BREATH OUTSIDE THE PEACE OFFICER'S OWN COUNTY, CITY, VILLAGE, OR
7 TOWNSHIP IF ALL OF THE FOLLOWING APPLY:

8 (A) THE PEACE OFFICER HAS REASONABLE CAUSE TO BELIEVE THAT
9 THE PERSON WAS, AT THE TIME OF AN ACCIDENT, THE OPERATOR OF A
10 VEHICLE INVOLVED IN THE ACCIDENT IN THE PEACE OFFICER'S COUNTY,
11 CITY, VILLAGE, OR TOWNSHIP WHILE IN VIOLATION OF SECTION 625(1),
12 (3), (4), OR (5) OF THE MICHIGAN VEHICLE CODE, ACT NO. 300 OF THE
13 PUBLIC ACTS OF 1949, BEING SECTION 257.625 OF THE MICHIGAN
14 COMPILED LAWS, OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING
15 TO SECTION 625(1) OR (3) OF THAT ACT.

16 (B) THE PERSON IS TRANSPORTED TO A MEDICAL FACILITY OUTSIDE
17 THE PEACE OFFICER'S OWN COUNTY, CITY, VILLAGE, OR TOWNSHIP AFTER
18 THE ACCIDENT.

19 (C) THE ARREST AND REQUEST FOR A CHEMICAL TEST ARE MADE AT
20 THE MEDICAL FACILITY DESCRIBED IN SUBDIVISION (B).

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

24 (a) Senate Bill No. ____ or House Bill No. 5168 (request
25 no. 04240'91 a).

26 (b) Senate Bill No. ____ or House Bill No. 5169 (request
27 no. 04240'91 b).