

HOUSE BILL No. 5551

February 20, 1992, Introduced by Rep. Hickner and referred to the Committee on Judiciary.

A bill to amend section 15a of chapter IV of Act No. 175 of the Public Acts of 1927, entitled as amended "The code of criminal procedure," as amended by Act No. 471 of the Public Acts of 1980, being section 764.15a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 15a of chapter IV of Act No. 175 of the
2 Public Acts of 1927, as amended by Act No. 471 of the Public Acts
3 of 1980, being section 764.15a of the Michigan Compiled Laws, is
4 amended to read as follows:

CHAPTER IV

5
6 Sec. 15a. (1) A peace officer who has reasonable cause to
7 believe that a violation of section 81 or 81a of Act No. 328 of
8 the Public Acts of 1931, as amended, being sections 750.81 and
9 750.81a of the Michigan Compiled Laws, has taken place or is

1 taking place and that the person who committed or is committing
 2 the violation is a spouse, a former spouse, or a person residing
 3 or having resided in the same household as the victim ~~, may~~
 4 SHALL IMMEDIATELY arrest the violator. AN ARREST MAY BE MADE
 5 UNDER THIS SECTION without a warrant ~~for that violation, irre-~~
 6 ~~spective of~~ whether OR NOT the violation was committed in the
 7 presence of the peace officer.

8 (2) A PEACE OFFICER MAY DECIDE NOT TO ARREST A PERSON WHO IS
 9 ALLEGED TO HAVE COMMITTED A VIOLATION DESCRIBED IN SUBSECTION (1)
 10 IF THE PEACE OFFICER HAS REASONABLE CAUSE TO BELIEVE THE PERSON
 11 WAS ACTING IN LAWFUL SELF-DEFENSE OR IN LAWFUL DEFENSE OF ANOTHER
 12 PERSON.

13 (3) IF THERE ARE ALLEGATIONS OF VIOLATIONS DESCRIBED IN SUB-
 14 SECTION (1) AMONG 2 OR MORE PERSONS, A PEACE OFFICER MAY DECIDE
 15 TO ARREST ONLY THE PERSON REASONABLY BELIEVED BY THE PEACE OFFI-
 16 CER TO BE THE PRIMARY AGGRESSOR.

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

20 (a) Senate Bill No. ___ or House Bill No. 5544 (request
 21 no. 04574'91).

22 (b) Senate Bill No. ___ or House Bill No. 5549 (request
 23 no. 04575'91).