



# HOUSE BILL No. 4205

February 10, 1993, Introduced by Reps. McNutt, Johnson, Berman, Gire, Wallace, Munsell, Dalman, Gilmer, Walberg, Points, Nye, Martin, London, Horton, Bodem, McBryde, Jaye, Hill, Whyman, Brown, Crissman, Bullard and Galloway and referred to the Committee on Judiciary.

A bill to amend chapter IV of Act No. 175 of the Public Acts of 1927, entitled as amended "The code of criminal procedure," as amended, being sections 764.1 to 764.29 of the Michigan Compiled Laws, by adding section 15e.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. Chapter IV of Act No. 175 of the Public Acts of  
2 1927, as amended, being sections 764.1 to 764.29 of the Michigan  
3 Compiled Laws, is amended by adding section 15e to read as  
4 follows:

**CHAPTER IV**

5  
6 SEC. 15E. (1) A PEACE OFFICER, WITHOUT A WARRANT, MAY  
7 ARREST AND TAKE INTO CUSTODY A PERSON IF THE PEACE OFFICER HAS  
8 REASONABLE CAUSE TO BELIEVE ALL OF THE FOLLOWING EXIST:

1 (A) THE PROBATE COURT HAS ISSUED AN ORDER PURSUANT TO  
2 SECTION 13A(4) OF CHAPTER XIIA OF ACT NO. 288 OF THE PUBLIC ACTS  
3 OF 1939, BEING SECTION 712A.13A OF THE MICHIGAN COMPILED LAWS,  
4 STATING ON ITS FACE THE PERIOD OF TIME FOR WHICH THE ORDER IS  
5 VALID.

6 (B) A TRUE COPY OF THE ORDER AND PROOF OF SERVICE HAS BEEN  
7 FILED WITH THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION OF THE  
8 AREA IN WHICH THE PERSON HAVING CUSTODY OF THE CHILD PURSUANT TO  
9 SECTION 13A(4) OF CHAPTER XIIA OF ACT NO. 288 OF THE PUBLIC ACTS  
10 OF 1939 RESIDES.

11 (C) THE PERSON NAMED IN THE ORDER HAS RECEIVED NOTICE OF THE  
12 ORDER.

13 (D) THE PERSON NAMED IN THE ORDER IS ACTING IN VIOLATION OF  
14 THE ORDER.

15 (E) THE ORDER STATES ON ITS FACE THAT A VIOLATION OF ITS  
16 TERMS SUBJECTS THE PERSON TO CRIMINAL CONTEMPT OF COURT AND, IF  
17 FOUND GUILTY, THE PERSON SHALL BE IMPRISONED FOR NOT MORE THAN 90  
18 DAYS AND MAY BE FINED NOT MORE THAN \$500.00.

19 (2) IF A PEACE OFFICER ARRESTS A PERSON PURSUANT TO THIS  
20 SECTION, THE PEACE OFFICER SHALL DO ALL OF THE FOLLOWING:

21 (A) PREPARE A COMPLAINT OF VIOLATION OF THE ORDER SUBSTAN-  
22 TIALY IN THE FOLLOWING FORMAT:

23 COMPLAINT OF VIOLATION OF CHILD PROTECTIVE ORDER

24

25 I \_\_\_\_\_ AM A PEACE OFFICER. I HAVE DETERMINED BY:  
26 (NAME)  
27 \_\_\_\_\_ L.E.I.N. AND VERIFICATION WITH THE POLICE AGENCY HOLDING  
28 THE ORDER

1 \_\_\_\_\_ CERTIFIED OR TRUE COPY OF ORDER

2 \_\_\_\_\_ OTHER (DESCRIBE) \_\_\_\_\_

3 THAT \_\_\_\_\_ PROBATE COURT ORDERED \_\_\_\_\_  
4 (COUNTY) (NAME)

5 NOT TO ENTER THE FOLLOWING PREMISES:  
6  
7

8 I HAVE REASONABLE CAUSE TO BELIEVE THAT ON \_\_\_\_\_  
9 (DATE)

10 AT \_\_\_\_\_ THE PERSON SUBJECT TO THE ORDER VIOLATED THE ORDER  
11 (TIME)

12 AS FOLLOWS:

13 (STATE VIOLATIONS)  
14  
15  
16

17 \_\_\_\_\_  
18 (SIGNATURE OF OFFICER)

19 \_\_\_\_\_  
20 (DATE)

21 (B) PROVIDE 1 COPY OF THE COMPLAINT TO THE PERSON SUBJECT TO  
22 THE ORDER, THE ORIGINAL AND 1 COPY TO THE COURT THAT IMPOSED THE  
23 CONDITIONS, AND 1 COPY TO ANY ATTORNEY OF RECORD IN THE CASE FOR  
24 WHICH THE ORDER WAS ENTERED. THE LAW ENFORCEMENT AGENCY SHALL  
25 RETAIN 1 COPY OF THE COMPLAINT.

26 (3) A PERSON ARRESTED PURSUANT TO THIS SECTION SHALL BE  
27 BROUGHT BEFORE THE PROBATE COURT HAVING JURISDICTION IN THE CAUSE  
28 WITHIN 24 HOURS AFTER ARREST TO ANSWER TO A CHARGE OF CONTEMPT  
29 FOR VIOLATION OF THE ORDER, AT WHICH TIME THE COURT SHALL DO EACH  
30 OF THE FOLLOWING:

1 (A) SET A TIME CERTAIN FOR A HEARING ON THE ALLEGED  
2 VIOLATION OF THE ORDER. THE HEARING SHALL BE CONDUCTED WITHIN 72  
3 HOURS AFTER ARREST, UNLESS EXTENDED BY THE COURT ON THE MOTION OF  
4 THE ARRESTED PERSON.

5 (B) SET A REASONABLE BOND PENDING A HEARING OF THE ALLEGED  
6 VIOLATION OF THE ORDER.

7 (C) NOTIFY THE PERSON HAVING CUSTODY OF THE CHILD PURSUANT  
8 TO SECTION 13A(4) OF CHAPTER XIIIA OF ACT NO. 288 OF THE PUBLIC  
9 ACTS OF 1939 AND DIRECT THAT PERSON TO APPEAR AT THE HEARING AND  
10 GIVE EVIDENCE ON THE CHARGE OF CONTEMPT.

11 (4) FOR PURPOSES OF THIS SECTION, A PROBATE JUDGE MAY  
12 ARRAIGN, TAKE A PLEA, OR SENTENCE THE PERSON FOR CRIMINAL CON-  
13 TEMPT IN THE SAME MANNER THAT THE CIRCUIT COURT MAY ARRAIGN, TAKE  
14 A PLEA, OR SENTENCE A PERSON IN OTHER CRIMINAL CASES.

15 (5) IF THE PROBATE JUDGE IS NOT PRESENT OR AVAILABLE WITHIN  
16 24 HOURS AFTER ARREST, A PERSON ARRESTED PURSUANT TO THIS SECTION  
17 SHALL BE TAKEN BEFORE THE DISTRICT COURT WITHIN 24 HOURS AFTER  
18 ARREST, AT WHICH TIME THE DISTRICT COURT SHALL ORDER THE  
19 DEFENDANT TO APPEAR BEFORE THE PROBATE COURT THAT ENTERED THE  
20 ORDER FOR A HEARING ON THE CHARGE. THE DISTRICT COURT SHALL SET  
21 BOND FOR THE PERSON.

22 (6) UPON RECEIPT OF A TRUE COPY OF AN ORDER AND PROOF OF  
23 SERVICE PURSUANT TO THIS SECTION, THE LAW ENFORCEMENT AGENCY  
24 SHALL ENTER THE ORDER INTO THE LAW ENFORCEMENT INFORMATION NET-  
25 WORK AS PROVIDED BY THE L.E.I.N. POLICY COUNCIL ACT OF 1974, ACT  
26 NO. 163 OF THE PUBLIC ACTS OF 1974, BEING SECTIONS 28.211 TO  
27 28.216 OF THE MICHIGAN COMPILED LAWS.

1 (7) IF AN ORDER ENTERED PURSUANT TO SECTION 13A(4) OF  
2 CHAPTER XIIA OF ACT NO. 288 OF THE PUBLIC ACTS OF 1939 IS  
3 RESCINDED, THE COURT SHALL IMMEDIATELY ORDER THE LAW ENFORCEMENT  
4 AGENCY TO REMOVE THE ORDER FROM THE LAW ENFORCEMENT INFORMATION  
5 NETWORK.

6 Section 2. This amendatory act shall not take effect unless  
7 Senate Bill No. \_\_\_\_ or House Bill No. 4206 (request  
8 no. 00525'93) of the 87th Legislature is enacted into law.