



HOUSE BILL No. 5473

April 19 1994 Introduced by Reps McBryde DeLange Gernaat Willard McManus
McNutt Vorva Hammerstrom Jersevic Brackenridge Jaye and Goschka and referred to the
Committee on Judiciary

A bill to amend section 15 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 19 of the Public Acts of 1988, being
section 764 15 of the Michigan Compiled Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Section 15 of chapter IV of Act No 175 of the
2 Public Acts of 1927, as amended by Act No 19 of the Public Acts
3 of 1988, being section 764 15 of the Michigan Compiled Laws, is
4 amended to read as follows

CHAPTER IV

6 Sec 15 (1) A peace officer, without a warrant, may arrest
7 a person in the following situations

8 (a) When a felony, misdemeanor, or ordinance violation is
9 committed in the peace officer s presence

1 (b) When the person has committed a felony although not in
2 the presence of the peace officer

3 (c) When a felony in fact has been committed and the peace
4 officer has reasonable cause to believe that the person has com-
5 mitted it

6 (d) When the peace officer has reasonable cause to believe
7 that a felony has been committed and reasonable cause to believe
8 that the person has committed it

9 (e) When the peace officer has received positive information
10 by written, telegraphic, teletypic, telephonic radio or other
11 authoritative source that another peace officer holds a warrant
12 for the arrest

13 (f) When the peace officer has received positive information
14 broadcast from a recognized police or other governmental radio
15 station, or teletype, as may afford the peace officer reasonable
16 cause to believe that a felony has been committed and reasonable
17 cause to believe that the person has committed it

18 (g) When the peace officer has reasonable cause to believe
19 that the person is an escaped convict, has violated a condition
20 of parole from a prison, has violated a condition of probation
21 imposed by a court, or has violated a condition of a pardon
22 granted by the executive

23 (h) When the peace officer has reasonable cause to believe
24 that the person was ~~, at the time of an accident, the driver of~~
25 ~~a vehicle involved in the accident and was operating the vehicle~~
26 ~~upon a public highway or other place open to the general public,~~
27 ~~including an area designated for the parking of vehicles, in the~~

1 ~~state while~~ OPERATING A MOTOR VEHICLE in violation of section
2 625(1) ~~or (2)~~ of the Michigan vehicle code, Act No 300 of the
3 Public Acts of 1949, being section 257 625 of the Michigan
4 Compiled Laws, or of a local ordinance substantially correspond-
5 ing to section 625(1) ~~or (2)~~ of Act No 300 of the Public Acts
6 of 1949

7 (1) When the peace officer has reasonable cause to believe
8 that the person was ~~, at the time of an accident, the driver of~~
9 ~~a snowmobile as defined by Act No 74 of the Public Acts of 1968,~~
10 ~~as amended, being sections 257 1501 to 257 1518 of the Michigan~~
11 ~~Compiled Laws, involved in the accident and was driving the snow-~~
12 ~~mobile while under the influence of an intoxicating liquor a~~
13 ~~controlled substance as defined in section 7104 of the public~~
14 ~~health code, Act No 368 of the Public Acts of 1978, as amended,~~
15 ~~being section 333 7104 of the Michigan Compiled Laws or a combi-~~
16 ~~nation of intoxicating liquor and a controlled substance~~

17 OPERATING A SNOWMOBILE IN VIOLATION OF SECTION 15(1)(B) OF ACT
18 NO 74 OF THE PUBLIC ACTS OF 1968, BEING SECTIONS 257 1515 OF THE
19 MICHIGAN COMPILED LAWS, OR A LOCAL ORDINANCE SUBSTANTIALLY CORRE-
20 SPONDING TO SECTION 15(1)(B) OF ACT NO 74 OF THE PUBLIC ACTS OF
21 1968

22 (j) When the peace officer has reasonable cause to believe
23 that the person was ~~, at the time of an accident, the driver of~~
24 ~~an ORV as defined in Act No 319 of the Public Acts of 1975, as~~
25 ~~amended, being sections 257 1601 to 257 1626 of the Michigan~~
26 ~~Compiled Laws, involved in the accident and was driving the ORV~~
27 ~~while under the influence of an intoxicating liquor a controlled~~

~~1 substance, as defined in section 7104 of Act No 368 of the~~
~~2 Public Acts of 1978, as amended or a combination of intoxicating~~
~~3 liquor and a controlled substance~~ OPERATING AN ORV IN VIOLATION
 4 OF SECTION 20A(1) OR (2) OF ACT NO 319 OF THE PUBLIC ACTS OF
 5 1975, BEING SECTION 257 1620A OF THE MICHIGAN COMPILED LAWS, OR A
 6 LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 20A(1) OR
 7 (2) OF ACT NO 319 OF THE PUBLIC ACTS OF 1975

8 (k) When the peace officer has reasonable cause to believe
 9 that a violation of section 356c or 356d of the Michigan penal
 10 code, Act No 328 of the Public Acts of 1931, being sections
 11 750 356c and 750 356d of the Michigan Compiled Laws has taken
 12 place or is taking place, and reasonable cause to believe that
 13 the person committed or is committing the violation, regardless
 14 of whether the violation was committed in the presence of the
 15 peace officer

16 (2) An officer in the United States customs service or the
 17 immigration and naturalization service without a warrant may
 18 arrest a person if all of the following circumstances exist

19 (a) The officer is on duty

20 (b) One or more of the following situations exist

21 (1) The person commits an assault or an assault and battery
 22 punishable under section 81 or 81a of the Michigan penal code,
 23 Act No 328 of the Public Acts of 1931, as amended, being section
 24 750 81 and 750 81a of the Michigan Compiled Laws, on the
 25 officer

26 (11) The person commits an assault or an assault and battery
 27 punishable under section 81 or 81a of Act No 328 of the Public

1 Acts of 1931, as amended, on any other person in the presence of
2 the officer or commits any felony

3 (iii) The officer has reasonable cause to believe that a
4 felony has been committed and reasonable cause to believe that
5 the person has committed it and the reasonable cause is not
6 founded on a customs search

7 (iv) The officer has received positive information by writ-
8 ten, telegraphic, teletypic telephonic, radio, or other authori-
9 tative source that a peace officer holds a warrant for the
10 person s arrest

11 (c) The officer has received training in the laws of this
12 state equivalent to the training provided for an officer of a
13 local police agency under the Michigan law enforcement officers
14 training council act of 1965, Act No 203 of the Public Acts of
15 1965, as amended, being sections 28 601 to 28 616 of the Michigan
16 Compiled Laws

17 Section 2 This amendatory act shall not take effect unless
18 all of the following bills of the 87th Legislature are enacted
19 into law

20 (a) Senate Bill No _____ or House Bill No 5474
21 (request no 03652'93 a)

22 (b) Senate Bill No _____ or House Bill No 5475
23 (request no 03652'93 b)