



HOUSE BILL No. 5762

September 14 1994, Introduced by Rep Profit 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

5 CHAPTER IV

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

1 (a) ~~When a~~ A felony misdemeanor or ordinance violation
2 is committed in the peace officer s presence

3 (b) ~~When the~~ THE person has committed a felony although
4 not in the PEACE OFFICER S presence ~~of the peace officer~~

5 (c) ~~When a~~ A felony in fact has been committed and the
6 peace officer has reasonable cause to believe that the person has
7 committed it

8 (d) ~~When the~~ THE peace officer has reasonable cause to
9 believe that a felony has been committed and reasonable cause to
10 believe that the person has committed it

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

15 (f) ~~When the~~ THE peace officer has received positive
16 information broadcast from a recognized police or other govern-
17 mental radio station, or teletype, as may afford the peace offi-
18 cer reasonable cause to believe that a felony has been committed
19 and reasonable cause to believe that the person has committed
20 it

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

26 (h) ~~When the~~ THE peace officer has reasonable cause to
27 believe that the person was, at the time of an accident, the

1 driver of a vehicle involved in the accident and was operating
2 the vehicle upon a public highway or other place open to the gen-
3 eral public including an area designated for the parking of
4 vehicles, in the state while in violation of section 625(1) ~~or~~
5 ~~(2)~~ of the Michigan vehicle code, Act No 300 of the Public Acts
6 of 1949, being section 257 625 of the Michigan Compiled Laws, or
7 of a local ordinance substantially corresponding to section
8 625(1) ~~or (2)~~ of Act No 300 of the Public Acts of 1949

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

20 (j) ~~When the~~ THE peace officer has reasonable cause to
21 believe that the person was, at the time of an accident the
22 driver of an ORV as defined in SECTION 1 OF Act No 319 of the
23 Public Acts of 1975, as amended, being ~~sections~~ SECTION
24 257 1601 ~~to 257-1626~~ of the Michigan Compiled Laws involved in
25 the accident and was driving the ORV while under the influence of
26 an intoxicating liquor — a controlled substance, as defined in
27 section 7104 of Act No 368 of the Public Acts of 1978 as

1 amended ~~---~~ or a combination of intoxicating liquor and a
2 controlled substance

3 (k) ~~When the~~ THE peace officer has reasonable cause to
4 believe that a violation of ~~section 356c or 356d of the Michigan~~
5 ~~penal code, Act No 328 of the Public Acts of 1931, being sec-~~
6 ~~tions 750 356c and 750 356d of the Michigan Compiled Laws,~~ A LAW
7 OF THIS STATE PUNISHABLE BY IMPRISONMENT FOR MORE THAN 92 DAYS
8 has taken place or is taking place, and reasonable cause to
9 believe that the person committed or is committing the violation,
10 regardless of whether the violation was committed in the PEACE
11 OFFICER S presence ~~of the peace officer~~

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

15 (a) The officer is on duty

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

17 (i) The person commits an assault or an assault and battery
18 punishable under section 81 or 81a of the Michigan penal code
19 Act No 328 of the Public Acts of 1931 as amended being section
20 750 81 and 750 81a of the Michigan Compiled Laws on the
21 officer

22 (ii) The person commits an assault or an assault and battery
23 punishable under section 81 or 81a of Act No 328 of the Public
24 Acts of 1931, as amended, on any other person in the OFFICER S
25 presence, ~~of the officer,~~ or commits ~~any~~ A felony

26 (iii) The officer has reasonable cause to believe that a
27 felony has been committed and reasonable cause to believe that

1 the person has committed it and the reasonable cause is not
2 founded on a customs search

3 (iv) The officer has received positive information by writ-
4 ten telegraphic teletypic telephonic radio, or other authori-
5 tative source that a peace officer holds a warrant for the
6 person's arrest

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