



SENATE BILL No. 1168

May 25, 1994, Introduced by Senators FAXON and SMITH and
referred to the Committee on Judiciary

A bill to amend sections 15 and 16 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 sec-
tions 764 15 and 764 16 of the Michigan Compiled Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Sections 15 and 16 of chapter IV of Act No 175
2 of the Public Acts of 1927, as amended by Act No 19 of the
3 Public Acts of 1988, being sections 764 15 and 764 16 of the
4 Michigan Compiled Laws, are 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

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 a
25 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 in violation of section 625(1) ~~or (2)~~ of the
2 Michigan vehicle code, Act No 300 of the Public Acts of 1949,
3 being section 257 625 of the Michigan Compiled Laws, or of a
4 local ordinance substantially corresponding to section 625(1) ~~or~~
5 ~~(2)~~ of Act No 300 of the Public Acts of 1949

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

16 (j) When the peace officer has reasonable cause to believe
17 that the person was, at the time of an accident, the driver of an
18 ORV as defined in Act No 319 of the Public Acts of 1975, as
19 amended being sections 257 1601 to 257 1626 of the Michigan
20 Compiled Laws, involved in the accident and was driving the ORV
21 while under the influence of an intoxicating liquor a controlled
22 substance, as defined in section 7104 of Act No 368 of the
23 Public Acts of 1978, as amended or a combination of intoxicating
24 liquor and a controlled substance

25 (k) When the peace officer has reasonable cause to believe
26 that a violation of section 356c, ~~or~~ 356d, OR 356E of the
27 Michigan penal code, Act No 328 of the Public Acts of 1931,

1 being sections 750 356c, ~~and~~ 750 356d AND 750 356E of the
2 Michigan Compiled Laws, has taken place or is taking place, and
3 reasonable cause to believe that the person committed or is com-
4 mitting the violation, regardless of whether the violation was
5 committed in the presence of the peace officer

6 (2) An officer in the United States customs service or the
7 immigration and naturalization service, without a warrant, may
8 arrest a person if all of the following circumstances exist

9 (a) The officer is on duty

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

11 (1) The person commits an assault or an assault and battery
12 punishable under section 81 or 81a of the Michigan penal code,
13 Act No 328 of the Public Acts of 1931, as amended, being section
14 750 81 and 750 81a of the Michigan Compiled Laws, on the
15 officer

16 (11) The person commits an assault or an assault and battery
17 punishable under section 81 or 81a of Act No 328 of the Public
18 Acts of 1931, as amended on any other person in the presence of
19 the officer, or commits any felony

20 (111) The officer has reasonable cause to believe that a
21 felony has been committed and reasonable cause to believe that
22 the person has committed it, and the reasonable cause is not
23 founded on a customs search

24 (1v) The officer has received positive information by writ-
25 ten, telegraphic, teletypic telephonic radio, or other authori-
26 tative source that a peace officer holds a warrant for the
27 person's arrest

1 (c) The officer has received training in the laws of this
2 state equivalent to the training provided for an officer of a
3 local police agency under the Michigan law enforcement officers
4 training council act of 1965, Act No 203 of the Public Acts of
5 1965, as amended, being sections 28 601 to 28 616 of the Michigan
6 Compiled Laws

7 Sec 16 A private person may make an arrest — in the
8 following situations

9 (a) For a felony committed in the private person's
10 presence

11 (b) If the person to be arrested has committed a felony
12 although not in the private person's presence

13 (c) If the private person is summoned by a peace officer to
14 assist the officer in making an arrest

15 (d) If the private person is a merchant, an agent of a mer-
16 chant, an employee of a merchant, or an independent contractor
17 providing security for a merchant of a store and has reasonable
18 cause to believe that the person to be arrested has violated
19 section 356c, ~~or~~ 356d OR 356E of the Michigan penal code Act
20 No 328 of the Public Acts of 1931 being sections 750 356c,
21 ~~and~~ 750 356d, AND 750 356E of the Michigan Compiled Laws in
22 that store, regardless of whether the violation was committed in
23 the presence of the private person

24 Section 2 This amendatory act shall not take effect unless
25 all of the following bills of the 87th Legislature are enacted
26 into law

1 (a) Senate Bill No 1171

2

3 (b) Senate Bill No 1170

4

5 (c) Senate Bill No 1169

6

7 (d) Senate Bill No 1167

8