

Act No. 81
Public Acts of 1996
Approved by the Governor
February 25, 1996
Filed with the Secretary of State
February 26, 1996

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996**

Introduced by Rep. Wetters

ENROLLED HOUSE BILL No. 5333

AN ACT to amend sections 9f and 15 of chapter IV of Act No. 175 of the Public Acts of 1927, entitled as amended "An act to revise, consolidate, and codify the laws relating to criminal procedure and to define the jurisdiction, powers, and duties of courts, judges, and other officers of the court under the provisions of this act; to provide laws relative to the rights of persons accused of criminal offenses and ordinance violations; to provide for the arrest of persons charged with or suspected of criminal offenses and ordinance violations; to provide for bail of persons arrested for or accused of criminal offenses and ordinance violations; to provide for the examination of persons accused of criminal offenses; to regulate the procedure relative to grand juries, indictments, informations, and proceedings before trial; to provide for trials of persons complained of or indicted for criminal offenses and ordinance violations and to provide for the procedure in those trials; to provide for judgments and sentences of persons convicted of criminal offenses and ordinance violations; to establish a sentencing commission and to prescribe its powers and duties; to provide for procedure relating to new trials and appeals in criminal and ordinance violation cases; to provide a uniform system of probation throughout this state and the appointment of probation officers; to prescribe the powers, duties, and compensation of probation officers; to provide penalties for the violation of the duties of probation officers; to provide for procedure governing proceedings to prevent crime and proceedings for the discovery of crime; to provide for fees of officers, witnesses, and others in criminal and ordinance violation cases; to set forth miscellaneous provisions as to criminal procedure in certain cases; to provide penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act," section 9f as amended by Act No. 49 of the Public Acts of 1988 and section 15 as amended by Act No. 19 of the Public Acts of 1988, being sections 764.9f and 764.15 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Sections 9f and 15 of chapter IV of Act No. 175 of the Public Acts of 1927, section 9f as amended by Act No. 49 of the Public Acts of 1988 and section 15 as amended by Act No. 19 of the Public Acts of 1988, being sections 764.9f and 764.15 of the Michigan Compiled Laws, are amended to read as follows:

CHAPTER IV

Sec. 9f. (1) As used in sections 9a to 9g, "appearance ticket" means a complaint or written notice issued and subscribed by a police officer or other public servant authorized by law or ordinance to issue it, directing a designated person to appear in a designated local criminal court at a designated future time in connection with his or her alleged commission of a designated violation or violations of state law or local ordinance for which, except as otherwise provided

in subsection (2), the maximum permissible penalty does not exceed 90 days in jail and a fine of \$500.00. The appearance tickets shall be numbered consecutively, be in such form as determined by the attorney general, the state court administrator, and the director of the department of state police and shall consist of the following parts:

- (a) The original which shall be a complaint or notice to appear by the officer and filed with the court.
- (b) The first copy which shall be the abstract of court record.
- (c) The second copy which shall be retained by the local enforcement agency.
- (d) The third copy which shall be delivered to the alleged violator.

(2) An appearance ticket may be issued for a misdemeanor violation of either of the following acts for which the maximum permissible penalty does not exceed 92 days in jail and a fine:

- (a) Part 487 (sport fishing) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being sections 324.48701 to 324.48740 of the Michigan Compiled Laws.
- (b) Part 401 (wildlife conservation) of Act No. 451 of the Public Acts of 1994, being sections 324.40101 to 324.40119 of the Michigan Compiled Laws.

(3) With the prior approval of such state officials, such appearance ticket may be appropriately modified as to content or number of copies to accommodate law enforcement and local court procedures and practices.

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

- (a) When a felony, misdemeanor, or ordinance violation is committed in the peace officer's presence.
- (b) When the person has committed a felony although not in the presence of the peace officer.
- (c) When a felony in fact has been committed and the peace officer has reasonable cause to believe that the person has committed it.
- (d) When the peace officer has reasonable cause to believe that a felony has been committed and reasonable cause to believe that the person has committed it.
- (e) When the peace officer has received positive information by written, telegraphic, teletypic, telephonic, radio, or other authoritative source that another peace officer holds a warrant for the arrest.
- (f) When the peace officer has received positive information broadcast from a recognized police or other governmental radio station, or teletype, as may afford the peace officer reasonable cause to believe that a felony has been committed and reasonable cause to believe that the person has committed it.
- (g) When the peace officer has reasonable cause to believe that the person is an escaped convict, has violated a condition of parole from a prison, has violated a condition of probation imposed by a court, or has violated a condition of a pardon granted by the executive.
- (h) When the peace officer has reasonable cause to believe that the person was, at the time of an accident, the driver of a vehicle involved in the accident and was operating the vehicle upon a public highway or other place open to the general public, including an area designated for the parking of vehicles, in the state while in violation of section 625(1) or (2) of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being section 257.625 of the Michigan Compiled Laws, or of a local ordinance substantially corresponding to section 625(1) or (2) of Act No. 300 of the Public Acts of 1949.
- (i) When the peace officer has reasonable cause to believe that the person was, at the time of an accident, the driver of a snowmobile as defined in part 821 (snowmobiles) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being sections 324.82101 to 324.82159 of the Michigan Compiled Laws, involved in the accident and was driving the snowmobile while under the influence of an intoxicating liquor; a controlled substance as defined in section 7104 of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.7104 of the Michigan Compiled Laws; or a combination of intoxicating liquor and a controlled substance.
- (j) When the peace officer has reasonable cause to believe that the person was, at the time of an accident, the driver of an ORV as defined in part 811 (off-road recreation vehicles) of Act No. 451 of the Public Acts of 1994, being sections 324.81101 to 324.81150 of the Michigan Compiled Laws, involved in the accident and was driving the ORV while under the influence of an intoxicating liquor; a controlled substance, as defined in section 7104 of Act No. 368 of the Public Acts of 1978; or a combination of intoxicating liquor and a controlled substance.
- (k) When the peace officer has reasonable cause to believe that a violation of section 356c or 356d of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.356c and 750.356d of the Michigan Compiled Laws, has taken place or is taking place, and reasonable cause to believe that the person committed or is committing the violation, regardless of whether the violation was committed in the presence of the peace officer.

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

- (a) The officer is on duty.

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

(i) The person commits an assault or an assault and battery punishable under section 81 or 81a of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.81 and 750.81a of the Michigan Compiled Laws, on the officer.

(ii) The person commits an assault or an assault and battery punishable under section 81 or 81a of Act No. 328 of the Public Acts of 1931, on any other person in the presence of the officer, or commits any felony.

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

(iv) The officer has received positive information by written, telegraphic, teletypic, telephonic, radio, or other authoritative source that a peace officer holds a warrant for the person's arrest.

(c) The officer has received training in the laws of this state equivalent to the training provided for an officer of a local police agency under the Michigan law enforcement officers training council act of 1965, Act No. 203 of the Public Acts of 1965, being sections 28.601 to 28.616 of the Michigan Compiled Laws.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.