

Act No. 490  
Public Acts of 1996  
Approved by the Governor  
December 22, 1996  
Filed with the Secretary of State  
December 30, 1996

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

Introduced by Senators Van Regenmorter, Cisky and Bouchard

# **ENROLLED SENATE BILL No. 347**

AN ACT to amend section 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," as amended by Act No. 81 of the Public Acts of 1996, being section 764.15 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. Section 15 of chapter IV of Act No. 175 of the Public Acts of 1927, as amended by Act No. 81 of the Public Acts of 1996, being section 764.15 of the Michigan Compiled Laws, is amended to read as follows:

## **CHAPTER IV**

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

- (a) A felony, misdemeanor, or ordinance violation is committed in the peace officer's presence.
- (b) The person has committed a felony although not in the peace officer's presence.
- (c) A felony in fact has been committed and the peace officer has reasonable cause to believe the person committed it.
- (d) The peace officer has reasonable cause to believe a felony has been committed and reasonable cause to believe the person committed it.

(e) 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 person's arrest.

(f) The peace officer has received positive information broadcast from a recognized police or other governmental radio station, or teletype, that affords the peace officer reasonable cause to believe a felony has been committed and reasonable cause to believe the person committed it.

(g) The peace officer has reasonable cause to believe 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) The peace officer has reasonable cause to believe the person was, at the time of an accident in this state, the operator of a vehicle involved in the accident and was operating the vehicle in violation of section 625(1), (3), or (6) or section 625m of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.625 and 257.625m of the Michigan Compiled Laws, or a local ordinance substantially corresponding to section 625(1), (3), or (6) or section 625m of Act No. 300 of the Public Acts of 1949.

(i) The person is found in the driver's seat of a vehicle parked or stopped on a highway or street within this state if any part of the vehicle intrudes into the roadway and the peace officer has reasonable cause to believe the person was operating the vehicle in violation of section 625(1), (3), or (6) or section 625m of Act No. 300 of the Public Acts of 1949 or a local ordinance substantially corresponding to section 625(1), (3), or (6) or section 625m of Act No. 300 of the Public Acts of 1949.

(j) The peace officer has reasonable cause to believe the person was, at the time of an accident, the operator of a snowmobile involved in the accident and was operating the snowmobile in violation of section 82127(1) or (3) of part 821 (snowmobiles) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being section 324.82127 of the Michigan Compiled Laws, or a local ordinance substantially corresponding to section 82127(1) or (3) of Act No. 451 of the Public Acts of 1994.

(k) The peace officer has reasonable cause to believe the person was, at the time of an accident, the operator of an ORV involved in the accident and was operating the ORV in violation of section 81134(1) or (2) or 81135 of part 811 (off-road recreation vehicles) of Act No. 451 of the Public Acts of 1994, being sections 324.81134 and 324.81135 of the Michigan Compiled Laws, or a local ordinance substantially corresponding to section 81134(1) or (2) or 81135 of Act No. 451 of the Public Acts of 1994.

(l) The peace officer has reasonable cause to believe the person was, at the time of an accident, the operator of a vessel involved in the accident and was operating the vessel in violation of section 80176(1) or (3) of part 801 (marine safety) of Act No. 451 of the Public Acts of 1994, being section 324.80176 of the Michigan Compiled Laws, or a local ordinance substantially corresponding to section 80176(1) or (3) of Act No. 451 of the Public Acts of 1994.

(m) The peace officer has reasonable cause to believe 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 the person committed or is committing the violation, regardless of whether the violation was committed in the peace officer's presence.

(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 officer's presence or commits any felony.

(iii) The officer has reasonable cause to believe a felony has been committed and reasonable cause to believe the person 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.

Section 2. This amendatory act shall take effect April 1, 1997.

Section 3. This amendatory act shall not take effect unless Senate Bill No. 348 of the 88th Legislature is enacted into law.

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Secretary of the Senate.

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Clerk of the House of Representatives.

Approved -----

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Governor.