



# HOUSE BILL No. 4472

February 28, 1995, Introduced by Reps. Profit and Dalman and referred to the Committee on Judiciary and Civil Rights.

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

5  
6 Sec. 15. (1) A peace officer ~~, without a warrant,~~ may  
7 arrest a person WITHOUT A WARRANT 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)~~ (3), OR (6) OR SECTION 625M of the Michigan vehicle code,  
 6 Act No. 300 of the Public Acts of 1949, being ~~section~~ SECTIONS  
 7 257.625 AND 257.625M of the Michigan Compiled Laws, or of a local  
 8 ordinance substantially corresponding to section 625(1), ~~or (2)~~  
 9 (3), OR (6) OR SECTION 625M of Act No. 300 of the Public Acts of  
 10 1949.

11 (i) ~~When the~~ THE peace officer has reasonable cause to  
 12 believe that the person was, at the time of an accident, the  
 13 driver of a snowmobile as defined ~~by~~ IN SECTION 1 OF Act No. 74  
 14 of the Public Acts of 1968, ~~as amended,~~ being ~~sections~~  
 15 SECTION 257.1501 ~~to 257.1518~~ of the Michigan Compiled Laws,  
 16 involved in the accident and was driving the snowmobile while  
 17 under the influence of an intoxicating liquor, ~~—~~ a controlled  
 18 substance as defined in section 7104 of the public health code,  
 19 Act No. 368 of the Public Acts of 1978, ~~as amended,~~ being sec-  
 20 tion 333.7104 of the Michigan Compiled Laws, ~~—~~ or a combination  
 21 of intoxicating liquor and a controlled substance.

22 (j) ~~When the~~ THE peace officer has reasonable cause to  
 23 believe that the person was, at the time of an accident, the  
 24 driver of an ORV as defined in SECTION 1 OF Act No. 319 of the  
 25 Public Acts of 1975, ~~as amended,~~ being ~~sections~~ SECTION  
 26 257.1601 ~~to 257.1626~~ of the Michigan Compiled Laws, involved in  
 27 the accident and was driving the ORV while under the influence of

1 an intoxicating liquor, ~~or~~ a controlled substance, as defined in  
2 section 7104 of Act No. 368 of the Public Acts of 1978, ~~as~~  
3 ~~amended,~~ or a combination of intoxicating liquor and a con-  
4 trolled substance.

5 (k) ~~When the~~ THE peace officer has reasonable cause to  
6 believe that a violation of ~~section 356c or 356d of the Michigan~~  
7 ~~penal code, Act No. 328 of the Public Acts of 1931, being sec-~~  
8 ~~tions 750.356c and 750.356d of the Michigan Compiled Laws,~~ A LAW  
9 OF THIS STATE PUNISHABLE BY IMPRISONMENT FOR MORE THAN 92 DAYS  
10 has taken place or is taking place, and reasonable cause to  
11 believe that the person committed or is committing the violation,  
12 regardless of whether the violation was committed in the PEACE  
13 OFFICER'S presence. ~~of the peace officer.~~

14 (2) An officer in the United States customs service or the  
15 immigration and naturalization service ~~, without a warrant,~~ may  
16 arrest a person WITHOUT A WARRANT if all of the following circum-  
17 stances exist:

18 (a) The officer is on duty.

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

20 (i) The person commits an assault or an assault and battery  
21 punishable under section 81 or 81a of the Michigan penal code,  
22 Act No. 328 of the Public Acts of 1931, ~~as amended,~~ being  
23 ~~section~~ SECTIONS 750.81 and 750.81a of the Michigan Compiled  
24 Laws, on the officer.

25 (ii) The person commits an assault or an assault and battery  
26 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 OFFICER'S  
2 presence, ~~of the officer,~~ or commits ~~any~~ A 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  
16 Michigan Compiled Laws.