



HOUSE BILL No. 5333

October 25, 1995, Introduced by Rep. Wetters and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend sections 9f and 15 of chapter IV of Act No. 175 of the Public Acts of 1927, entitled as amended "The code of criminal procedure," 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:

1 Section 1. Sections 9f and 15 of chapter IV of Act No. 175
2 of the Public Acts of 1927, section 9f as amended by Act No. 49
3 of the Public Acts of 1988 and section 15 as amended by Act
4 No. 19 of the Public Acts of 1988, being sections 764.9f and
5 764.15 of the Michigan Compiled Laws, are amended to read as
6 follows:

CHAPTER IV

1
2 Sec. 9f. (1) As used in sections 9a to 9g, "appearance
3 ticket" means a complaint or written notice issued and subscribed
4 by a police officer or other public servant authorized by law or
5 ordinance to issue it, directing a designated person to appear in
6 a designated local criminal court at a designated future time in
7 connection with his or her alleged commission of a designated
8 violation or violations of state law or local ordinance for
9 which, except as otherwise provided in subsection (2), the maxi-
10 mum permissible penalty does not exceed 90 days in jail and a
11 fine of \$500.00. The appearance tickets shall be numbered con-
12 secutively, be in such form as determined by the attorney gener-
13 al, the state court administrator, and the director of the
14 department of state police and shall consist of the following
15 parts:

16 (a) The original which shall be a complaint or notice to
17 appear by the officer and filed with the court.

18 (b) The first copy which shall be the abstract of court
19 record.

20 (c) The second copy which shall be retained by the local
21 enforcement agency.

22 (d) The third copy which shall be delivered to the alleged
23 violator.

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

1 (a) ~~The Michigan sportsmen fishing law, Act No. 165 of the~~
2 ~~Public Acts of 1929, being sections 301.1 to 306.3~~ PART 487
3 (SPORT FISHING) OF THE NATURAL RESOURCES AND ENVIRONMENTAL PRO-
4 TECTION ACT, ACT NO. 451 OF THE PUBLIC ACTS OF 1994, BEING SEC-
5 TIONS 324.48701 TO 324.48740 of the Michigan Compiled Laws.

6 (b) ~~The game law of 1929, Act No. 286 of the Public Acts of~~
7 ~~1929, being sections 311.1 to 315.5~~ PART 401 (WILDLIFE
8 CONSERVATION) OF ACT NO. 451 OF THE PUBLIC ACTS OF 1994, BEING
9 SECTIONS 324.40101 TO 324.40119 of the Michigan Compiled Laws.

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

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

16 (a) When a felony, misdemeanor, or ordinance violation is
17 committed in the peace officer's presence.

18 (b) When the person has committed a felony although not in
19 the presence of the peace officer.

20 (c) When a felony in fact has been committed and the peace
21 officer has reasonable cause to believe that the person has com-
22 mitted it.

23 (d) When the peace officer has reasonable cause to believe
24 that a felony has been committed and reasonable cause to believe
25 that the person has committed it.

26 (e) When the peace officer has received positive information
27 by written, telegraphic, teletypic, telephonic, radio, or other

1 authoritative source that another peace officer holds a warrant
2 for the arrest.

3 (f) When the peace officer has received positive information
4 broadcast from a recognized police or other governmental radio
5 station, or teletype, as may afford the peace officer reasonable
6 cause to believe that a felony has been committed and reasonable
7 cause to believe that the person has committed it.

8 (g) When the peace officer has reasonable cause to believe
9 that the person is an escaped convict, has violated a condition
10 of parole from a prison, has violated a condition of probation
11 imposed by a court, or has violated a condition of a pardon
12 granted by the executive.

13 (h) When the peace officer has reasonable cause to believe
14 that the person was, at the time of an accident, the driver of a
15 vehicle involved in the accident and was operating the vehicle
16 upon a public highway or other place open to the general public,
17 including an area designated for the parking of vehicles, in the
18 state while in violation of section 625(1) or (2) of the Michigan
19 vehicle code, Act No. 300 of the Public Acts of 1949, being sec-
20 tion 257.625 of the Michigan Compiled Laws, or of a local ordi-
21 nance substantially corresponding to section 625(1) or (2) of Act
22 No. 300 of the Public Acts of 1949.

23 (i) 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 snowmobile as defined ~~by Act No. 74 of the Public Acts of 1968,~~
26 ~~as amended, being sections 257.1501 to 257.1518~~ IN PART 821
27 (SNOWMOBILES) OF THE NATURAL RESOURCES AND ENVIRONMENTAL

1 PROTECTION ACT, ACT NO. 451 OF THE PUBLIC ACTS OF 1994, BEING
2 SECTIONS 324.82101 TO 324.82159 of the Michigan Compiled Laws,
3 involved in the accident and was driving the snowmobile while
4 under the influence of an intoxicating liquor; a controlled sub-
5 stance as defined in section 7104 of the public health code, Act
6 No. 368 of the Public Acts of 1978, ~~as amended,~~ being section
7 333.7104 of the Michigan Compiled Laws; or a combination of
8 intoxicating liquor and a controlled substance.

9 (j) When the peace officer has reasonable cause to believe
10 that the person was, at the time of an accident, the driver of an
11 ORV as defined in ~~Act No. 319 of the Public Acts of 1975, as~~
12 ~~amended, being sections 257.1601 to 257.1626~~ PART 811 (OFF-ROAD
13 RECREATION VEHICLES) OF ACT NO. 451 OF THE PUBLIC ACTS OF 1994,
14 BEING SECTIONS 324.81101 TO 324.81150 of the Michigan Compiled
15 Laws, involved in the accident and was driving the ORV while
16 under the influence of an intoxicating liquor; a controlled sub-
17 stance, as defined in section 7104 of Act No. 368 of the Public
18 Acts of 1978; ~~as amended,~~ or a combination of intoxicating
19 liquor and a controlled substance.

20 (k) When the peace officer has reasonable cause to believe
21 that a violation of section 356c or 356d of the Michigan penal
22 code, Act No. 328 of the Public Acts of 1931, being sections
23 750.356c and 750.356d of the Michigan Compiled Laws, has taken
24 place or is taking place, and reasonable cause to believe that
25 the person committed or is committing the violation, regardless
26 of whether the violation was committed in the presence of the
27 peace officer.

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

4 (a) The officer is on duty.

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

6 (i) The person commits an assault or an assault and battery
7 punishable under section 81 or 81a of the Michigan penal code,
8 Act No. 328 of the Public Acts of 1931, ~~as amended,~~ being
9 ~~section~~ SECTIONS 750.81 and 750.81a of the Michigan Compiled
10 Laws, on the officer.

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

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

19 (iv) The officer has received positive information by writ-
20 ten, telegraphic, teletypic, telephonic, radio, or other authori-
21 tative source that a peace officer holds a warrant for the
22 person's arrest.

23 (c) The officer has received training in the laws of this
24 state equivalent to the training provided for an officer of a
25 local police agency under the Michigan law enforcement officers
26 training council act of 1965, Act No. 203 of the Public Acts of

1 1965, ~~as amended,~~ being sections 28.601 to 28.616 of the
2 Michigan Compiled Laws.