

SENATE BILL No. 1222

May 2, 2000, Introduced by Senators MC COTTER, SCHUETTE, BULLARD, BENNETT, JOHNSON, HAMMERSTROM, SHUGARS, SIKKEMA, DUNASKISS, JAYE, STEIL, GOUGEON, STILLE, EMMONS, NORTH, MC MANUS, SCHWARZ, GOSCHKA, GAST, ROGERS, HOFFMAN, LELAND, KOIVISTO, DINGELL, V. SMITH, CHERRY, HART, MURPHY, PETERS, BYRUM, DE BEAUSSAERT, EMERSON, YOUNG and MILLER and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 15 of chapter IV (MCL 764.15), as amended by
1999 PA 269.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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.

1 (d) The peace officer has reasonable cause to believe a
2 felony has been committed and reasonable cause to believe the
3 person committed it.

4 (e) The peace officer has received positive information by
5 written, telegraphic, teletypic, telephonic, radio, electronic,
6 or other authoritative source that another peace officer or a
7 court holds a warrant for the person's arrest.

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

13 (g) The peace officer has reasonable cause to believe the
14 person is an escaped convict, has violated a condition of parole
15 from a prison, has violated a condition of probation imposed by a
16 court, or has violated a condition of a pardon granted by the
17 executive.

18 (h) The peace officer has reasonable cause to believe the
19 person was, at the time of an accident in this state, the opera-
20 tor of a vehicle involved in the accident and was operating the
21 vehicle in violation of section 625(1), (3), (6), or (7) or sec-
22 tion 625m of the Michigan vehicle code, 1949 PA 300, MCL 257.625
23 and 257.625m, or a local ordinance substantially corresponding to
24 section 625(1), (3), (6), or (7) or section 625m of that act.

25 (i) The person is found in the driver's seat of a vehicle
26 parked or stopped on a highway or street within this state if any
27 part of the vehicle intrudes into the roadway and the peace

1 officer has reasonable cause to believe the person was operating
2 the vehicle in violation of section 625(1), (3), (6), or (7) or
3 section 625m of the Michigan vehicle code, 1949 PA 300, MCL
4 257.625 and 257.625m, or a local ordinance substantially corre-
5 sponding to section 625(1), (3), (6), or (7) or section 625m of
6 that act.

7 (j) The peace officer has reasonable cause to believe the
8 person was, at the time of an accident, the operator of a snowmo-
9 bile involved in the accident and was operating the snowmobile in
10 violation of section 82127(1) or (3) of the natural resources and
11 environmental protection act, 1994 PA 451, MCL 324.82127, or a
12 local ordinance substantially corresponding to section 82127(1)
13 or (3) of that act.

14 (k) The peace officer has reasonable cause to believe the
15 person was, at the time of an accident, the operator of an ORV
16 involved in the accident and was operating the ORV in violation
17 of section 81134(1) or (2) or 81135 of the natural resources and
18 environmental protection act, 1994 PA 451, MCL 324.81134 and
19 324.81135, or a local ordinance substantially corresponding to
20 section 81134(1) or (2) or 81135 of that act.

21 (l) The peace officer has reasonable cause to believe the
22 person was, at the time of an accident, the operator of a vessel
23 involved in the accident and was operating the vessel in viola-
24 tion of section 80176(1) or (3) of the natural resources and
25 environmental protection act, 1994 PA 451, MCL 324.80176, or a
26 local ordinance substantially corresponding to section 80176(1)
27 or (3) of that act.

1 (m) The peace officer has reasonable cause to believe a
2 violation of section 356c, ~~or~~ 356d, OR 411R of the Michigan
3 penal code, 1931 PA 328, MCL 750.356c, ~~and~~ 750.356d, AND
4 750.411R, has taken place or is taking place and reasonable cause
5 to believe the person committed or is committing the violation,
6 regardless of whether the violation was committed in the peace
7 officer's presence.

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

11 (a) The officer is on duty.

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

13 (i) The person commits an assault or an assault and battery
14 punishable under section 81 or 81a of the Michigan penal code,
15 1931 PA 328, MCL 750.81 and 750.81a, on the officer.

16 (ii) The person commits an assault or an assault and battery
17 punishable under section 81 or 81a of the Michigan penal code,
18 1931 PA 328, MCL 750.81 and 750.81a, on any other person in the
19 officer's presence or commits any felony.

20 (iii) The officer has reasonable cause to believe a felony
21 has been committed and reasonable cause to believe the person
22 committed it, and the reasonable cause is not founded on a cus-
23 toms search.

24 (iv) The officer has received positive information by writ-
25 ten, telegraphic, teletypic, telephonic, radio, electronic, or
26 other authoritative source that a peace officer or a court holds
27 a warrant for the 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 commission on law enforcement stan-
4 dards act, 1965 PA 203, MCL 28.601 to 28.616.

5 Enacting section 1. This amendatory act takes effect July
6 1, 2000.

7 Enacting section 2. This amendatory act does not take
8 effect unless Senate Bill No.1221

9 of the 90th Legislature is enacted into
10 law.