

HOUSE BILL No. 5306

October 18, 2001, Introduced by Rep. Waters and referred to the Committee on Criminal Justice.

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 2000 PA 208.

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.

HB5306, As Passed House, November 1, 2001

HB 5306 as amended November 1, 2001

2

1 (d) The peace officer has reasonable cause to believe a
2 misdemeanor punishable by imprisonment for more than 92 days or a
3 felony has been committed and reasonable cause to believe the
4 person committed it.

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

9 (f) The peace officer has received positive information
10 broadcast from a recognized police or other governmental radio
11 station, or teletype, that affords the peace officer reasonable
12 cause to believe a misdemeanor punishable by imprisonment for
13 more than 92 days or a felony has been committed and reasonable
14 cause to believe the person committed it.

15 (g) The peace officer has reasonable cause to believe the
16 person is an escaped convict, has violated a condition of parole
17 from a prison, has violated a condition of probation imposed by a
18 court, ~~or~~ has violated a condition of a pardon granted by the
19 executive, OR HAS VIOLATED 1 OR MORE CONDITIONS OF A CONDITIONAL
20 RELEASE ORDER IMPOSED BY A COURT [OF THIS STATE, ANOTHER STATE,
INDIAN TRIBE, OR UNITED STATES TERRITORY].

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

HB5306, As Passed House, November 1, 2001

3

1 (i) The person is found in the driver's seat of a vehicle
2 parked or stopped on a highway or street within this state if any
3 part of the vehicle intrudes into the roadway and the peace offi-
4 cer has reasonable cause to believe the person was operating the
5 vehicle in violation of section 625(1), (3), (6), or (7) or
6 section 625m of the Michigan vehicle code, 1949 PA 300,
7 MCL 257.625 and 257.625m, or a local ordinance substantially cor-
8 responding to section 625(1), (3), (6), or (7) or section 625m of
9 that act.

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

17 (k) The peace officer has reasonable cause to believe the
18 person was, at the time of an accident, the operator of an ORV
19 involved in the accident and was operating the ORV in violation
20 of section 81134(1) or (2) or 81135 of the natural resources and
21 environmental protection act, 1994 PA 451, MCL 324.81134 and
22 324.81135, or a local ordinance substantially corresponding to
23 section 81134(1) or (2) or 81135 of that act.

24 (l) The peace officer has reasonable cause to believe the
25 person was, at the time of an accident, the operator of a vessel
26 involved in the accident and was operating the vessel in
27 violation of section 80176(1) or (3) of the natural resources and

HB5306, As Passed House, November 1, 2001

4

1 environmental protection act, 1994 PA 451, MCL 324.80176, or a
2 local ordinance substantially corresponding to section 80176(1)
3 or (3) of that act.

4 (m) The peace officer has reasonable cause to believe a vio-
5 lation of section 356c or 356d of the Michigan penal code, 1931
6 PA 328, MCL 750.356c and 750.356d, has taken place or is taking
7 place and reasonable cause to believe the person committed or is
8 committing the violation, regardless of whether the violation was
9 committed in the peace officer's presence.

10 (n) The peace officer has reasonable cause to believe a mis-
11 demeanor has taken place or is taking place on school property
12 and reasonable cause to believe the person committed or is com-
13 mitting the violation, regardless of whether the violation was
14 committed in the peace officer's presence. As used in this sub-
15 division, "school property" means that term as defined in section
16 7410 of the public health code, 1978 PA 368, MCL 333.7410.

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

20 (a) The officer is on duty.

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

22 (i) The person commits an assault or an assault and battery
23 punishable under section 81 or 81a of the Michigan penal code,
24 1931 PA 328, MCL 750.81 and 750.81a, on the officer.

25 (ii) The person commits an assault or an assault and battery
26 punishable under section 81 or 81a of the Michigan penal code,

HB5306, As Passed House, November 1, 2001

HB 5306 as amended November 1, 2001

5

1 1931 PA 328, MCL 750.81 and 750.81a, on any other person in the
2 officer's presence or commits any felony.

3 (iii) The officer has reasonable cause to believe a felony
4 has been committed and reasonable cause to believe the person
5 committed it, and the reasonable cause is not founded on a cus-
6 toms search.

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

[Enacting section 1. This amendatory act takes effect April 1,
2002.]

15 Enacting section [2]. This amendatory act does not take
16 effect unless all of the following bills of the 91st Legislature
17 are enacted into law:

18 [(a) Senate Bill No. 729 or House Bill No. 5275.

19 (b) Senate Bill No. 751 or House Bill No. 5299.

20 (c) Senate Bill No. 752 or House Bill No. 5300.

21 (d) Senate Bill No. 753 or House Bill No. 5301.

22 (e) Senate Bill No. 754 or House Bill No. 5302.

23 (f) Senate Bill No. 755 or House Bill No. 5303.

24 (g) Senate Bill No. 756 or House Bill No. 5304.

25 (h) Senate Bill No. 757 or House Bill No. 5305.

26

27

HB5306, As Passed House, November 1, 2001

HB 5306 as amended November 1, 2001

6

1

2

3

4

]