

# SENATE BILL No. 758

October 18, 2001, Introduced by Senator JOHNSON 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  
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.

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.

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.

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

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,

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.

15 Enacting section 1. 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. 751.

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20 (b) Senate Bill No. 752.

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22 (c) Senate Bill No. 753.

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24 (d) Senate Bill No. 754.

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26 (e) Senate Bill No. 755.

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1       (f) Senate Bill No. 756.

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3       (g) Senate Bill No. 757.

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