



Olds Plaza Building, 10th Floor  
Lansing, Michigan 48909  
Phone: 517/373-6466

## ALLOW WARRANTLESS ARRESTS FOR CERTAIN VIOLATIONS

House Bills 4137, 4138, and 4139  
Sponsor: Rep. Jim McBryde  
Committee: Judiciary and Civil Rights

Complete to 8-17-95

### A SUMMARY OF HOUSE BILLS 4137, 4138, AND 4139 AS INTRODUCED 1-17-95

The bills would amend the Code of Criminal Procedure, the Michigan Snowmobile Act, and the off-road vehicle act to change the requirements for making a warrantless arrest under certain circumstances. The bills are tie-barred to each other. (Note: The statutes pertaining to snowmobiles and ORVs were repealed and reenacted as part of the Natural Resources and Environment Protection Act.)

Current law allows warrantless arrests of persons operating motor vehicles, snowmobiles, and off-road vehicles (ORVs). The law requires that in order to make a warrantless arrest in these situations, the vehicle involved must have been involved in an accident, and the officer must have reasonable cause to believe that the accident occurred due to the fact that the operator was, at the time of the accident, under the influence of either intoxicating liquor or a controlled substance.

House Bill 4137 would amend the Code of Criminal Procedure (MCL 764.15) to remove the requirement that there be an accident, and allow a warrantless arrest to occur where the officer had reasonable cause to believe that the defendant was operating a motor vehicle, snowmobile, or ORV in violation of certain sections of the Michigan Vehicle Code, or the statutes concerning the operation of snowmobiles or ORVs. (The references are to a section of the vehicle code that makes it a violation of state law to operate a motor vehicle while under the influence of intoxicating liquor or controlled substances, and to a section of the ORV act that makes it a violation of state law to operate an ORV while under the influence of liquor or controlled substances. However, the reference to the snowmobile law apparently is in error, as it pertains to operating a snowmobile in a forest nursery, planting area, or public lands posted as an area of forest reproduction.)

House Bill 4138 would amend the former off-road vehicle act (MCL 257.1621a) to allow a warrantless arrest in cases where a peace officer had reasonable cause to believe that the driver of an ORV was under the influence of liquor or a controlled substance, whether or not an accident had occurred.

House Bill 4139 would amend the former Michigan Snowmobile Act (MCL 257.151a) to remove the language requiring that the driver of a snowmobile must be involved in an accident in order for a peace officer to make a warrantless arrest for a violations of the snowmobile act involving the operation of a snowmobile while under the influence of liquor or controlled substances.

House Bills 4137, 4138 and 4139 (8-17-95)