



HOUSE BILL No. 4137

January 17, 1995, Introduced by Rep. McBryde and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 15 of chapter IV of Act No. 175 of the Public Acts of 1927, entitled as amended "The code of criminal procedure," as amended by Act No. 19 of the Public Acts of 1988, being section 764.15 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 15 of chapter IV of Act No. 175 of the
2 Public Acts of 1927, as amended by Act No. 19 of the Public Acts
3 of 1988, being section 764.15 of the Michigan Compiled Laws, is
4 amended to read as follows:

5 CHAPTER IV

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

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

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

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

6 (d) When the peace officer has reasonable cause to believe
7 that a felony has been committed and reasonable cause to believe
8 that the person has committed it.

9 (e) When the peace officer has received positive information
10 by written, telegraphic, teletypic, telephonic, radio, or other
11 authoritative source that another peace officer holds a warrant
12 for the arrest.

13 (f) When the peace officer has received positive information
14 broadcast from a recognized police or other governmental radio
15 station, or teletype, as may afford the peace officer reasonable
16 cause to believe that a felony has been committed and reasonable
17 cause to believe that the person has committed it.

18 (g) When the peace officer has reasonable cause to believe
19 that the person is an escaped convict, has violated a condition
20 of parole from a prison, has violated a condition of probation
21 imposed by a court, or has violated a condition of a pardon
22 granted by the executive.

23 (h) When the peace officer has reasonable cause to believe
24 that the person was ~~at the time of an accident, the driver of~~
25 ~~a vehicle involved in the accident and was operating the vehicle~~
26 ~~upon a public highway or other place open to the general public,~~
27 ~~including an area designated for the parking of vehicles, in the~~

1 ~~state while~~ OPERATING A MOTOR VEHICLE in violation of section
2 625(1) ~~or (2)~~ of the Michigan vehicle code, Act No. 300 of the
3 Public Acts of 1949, being section 257.625 of the Michigan
4 Compiled Laws, or of a local ordinance substantially correspond-
5 ing to section 625(1) ~~or (2)~~ of Act No. 300 of the Public Acts
6 of 1949.

7 (i) When the peace officer has reasonable cause to believe
8 that the person was ~~, at the time of an accident, the driver of~~
9 ~~a snowmobile as defined by Act No. 74 of the Public Acts of 1968,~~
10 ~~as amended, being sections 257.1501 to 257.1518 of the Michigan~~
11 ~~Compiled Laws, involved in the accident and was driving the snow~~
12 ~~mobile while under the influence of an intoxicating liquor, a~~
13 ~~controlled substance as defined in section 7104 of the public~~
14 ~~health code, Act No. 368 of the Public Acts of 1978, as amended,~~
15 ~~being section 333.7104 of the Michigan Compiled Laws, or a combi-~~
16 ~~nation of intoxicating liquor and a controlled substance~~

17 OPERATING A SNOWMOBILE IN VIOLATION OF SECTION 15(1)(B) OF ACT
18 NO. 74 OF THE PUBLIC ACTS OF 1968, BEING SECTIONS 257.1515 OF THE
19 MICHIGAN COMPILED LAWS, OR A LOCAL ORDINANCE SUBSTANTIALLY CORRE-
20 SPONDING TO SECTION 15(1)(B) OF ACT NO. 74 OF THE PUBLIC ACTS OF
21 1968.

22 (j) When the peace officer has reasonable cause to believe
23 that the person was ~~, at the time of an accident, the driver of~~
24 ~~an ORV as defined in Act No. 319 of the Public Acts of 1975, as~~
25 ~~amended, being sections 257.1601 to 257.1626 of the Michigan~~
26 ~~Compiled Laws, involved in the accident and was driving the ORV~~
27 ~~while under the influence of an intoxicating liquor, a controlled~~

1 ~~substance, as defined in section 7104 of Act No. 368 of the~~
2 ~~Public Acts of 1978, as amended, or a combination of intoxicating~~
3 ~~liquor and a controlled substance~~ OPERATING AN ORV IN VIOLATION
4 OF SECTION 20A(1) OR (2) OF ACT NO. 319 OF THE PUBLIC ACTS OF
5 1975, BEING SECTION 257.1620A OF THE MICHIGAN COMPILED LAWS, OR A
6 LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 20A(1) OR
7 (2) OF ACT NO. 319 OF THE PUBLIC ACTS OF 1975.

8 (k) When the peace officer has reasonable cause to believe
9 that a violation of section 356c or 356d of the Michigan penal
10 code, Act No. 328 of the Public Acts of 1931, being sections
11 750.356c and 750.356d of the Michigan Compiled Laws, has taken
12 place or is taking place, and reasonable cause to believe that
13 the person committed or is committing the violation, regardless
14 of whether the violation was committed in the presence of the
15 peace officer.

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

19 (a) The officer is on duty.

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

21 (i) The person commits an assault or an assault and battery
22 punishable under section 81 or 81a of the Michigan penal code,
23 Act No. 328 of the Public Acts of 1931, as amended, being section
24 750.81 and 750.81a of the Michigan Compiled Laws, on the
25 officer.

26 (ii) The person commits an assault or an assault and battery
27 punishable under section 81 or 81a of Act No. 328 of the Public

1 Acts of 1931, as amended, on any other person in the presence of
2 the officer, or commits any felony.

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

7 (iv) The officer has received positive information by writ-
8 ten, telegraphic, teletypic, telephonic, radio, or other authori-
9 tative source that a peace officer holds a warrant for the
10 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 Michigan law enforcement officers
14 training council act of 1965, Act No. 203 of the Public Acts of
15 1965, as amended, being sections 28.601 to 28.616 of the Michigan
16 Compiled Laws.

17 Section 2. This amendatory act shall not take effect unless
18 all of the following bills of the 88th Legislature are enacted
19 into law:

20 (a) Senate Bill No. _____ or House Bill No. 4138
21 (request no. 02128'95 a).

22 (b) Senate Bill No. _____ or House Bill No. 4139
23 (request no. 02128'95 b).