

REPRINT

**SUBSTITUTE FOR
SENATE BILL NO. 759**

(As Passed the Senate December 3, 1997)

A bill to amend 1933 (Ex Sess) PA 8, entitled "The Michigan liquor control act," by amending sections 1 and 33c (MCL 436.1 and 436.33c), section 1 as amended by 1983 PA 11 and section 33c as amended by 1995 PA 122.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) On and after December 15, 1933, it shall be
2 lawful to manufacture for sale, sell, offer for sale, keep for
3 sale, possess, or transport any alcoholic liquor, as defined in
4 this act, including alcoholic liquor used for medicinal, mechani-
5 cal, chemical, or scientific purposes and wine used for sacramen-
6 tal purposes, subject to the terms, conditions, limitations, and
7 restrictions contained in this act, and only as provided for in
8 this act.

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1 (2) Except as otherwise provided in this act, the commission
2 shall have the sole right, power, and duty to control the
3 alcoholic beverage traffic and traffic in other alcoholic liquor
4 within this state, including the manufacture, importation, pos-
5 session, transportation and sale thereof.

6 (3) A rule, regulation, or order made by the commission
7 shall not unreasonably discriminate against Michigan manufactur-
8 ers of alcoholic liquor.

9 (4) ~~County sheriffs and their deputies; village or township~~
10 ~~marshals; constables, officers, or members of the village, city,~~
11 ~~or township police; members of the department of state police;~~
12 ~~and inspectors of the commission are empowered, and it is their~~
13 ~~duty, to see that the provisions of this act and the rules and~~
14 ~~regulations made or authorized by the commission are enforced~~ A
15 PEACE OFFICER OR LAW ENFORCEMENT OFFICER OF THIS STATE OR A
16 COUNTY, TOWNSHIP, CITY, VILLAGE, STATE UNIVERSITY, OR COMMUNITY
17 COLLEGE OR AN INSPECTOR OF THE COMMISSION IS AUTHORIZED, AND IT
18 IS THE DUTY OF EACH OF THEM, TO ENFORCE THE PROVISIONS OF THIS
19 ACT AND THE RULES PROMULGATED BY THE COMMISSION within ~~their~~
20 HIS OR HER respective ~~jurisdictions~~ JURISDICTION. It is
21 ~~their~~ THE special duty OF AN OFFICER DESCRIBED IN THIS SECTION
22 to use ~~their~~ HIS OR HER utmost efforts to repress and prevent
23 crime and the violation of any of the provisions of this act. An
24 officer ~~enumerated~~ DESCRIBED in this section who ~~wilfully~~
25 WILLFULLY neglects or refuses to perform the duties imposed upon
26 him or her by this section is guilty of a misdemeanor and upon

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1 conviction shall be fined not more than \$500.00 or imprisoned in
2 the county jail not more than 90 days, or both.

3 Sec. 33c. ~~(1) A sheriff or deputy sheriff; village or~~
4 ~~township marshal; an officer or member of a village, township, or~~
5 ~~city police department; an officer of the department of state~~
6 ~~police;~~ PEACE OFFICER OR LAW ENFORCEMENT OFFICER DESCRIBED UNDER
7 SECTION 1 or an inspector of the commission who witnesses a vio-
8 lation of section 33b or a local ordinance corresponding to
9 ~~that~~ section 33B may stop and detain ~~the~~ A person ~~for pur-~~
10 ~~poses of obtaining~~ AND OBTAIN satisfactory identification,
11 ~~seizing~~ SEIZE illegally possessed alcoholic liquor, and
12 ~~issuing~~ ISSUE an appearance ticket AS PRESCRIBED IN SECTION 9B
13 OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 764.9B.

14 ~~(2) As used in this section, "appearance ticket" means a~~
15 ~~complaint or written notice, issued and subscribed by a law~~
16 ~~enforcement officer of the type described in subsection (1) or~~
17 ~~inspector of the commission, directing a designated person to~~
18 ~~appear in a designated district, municipal, or probate court at a~~
19 ~~designated time in connection with the alleged violation. The~~
20 ~~appearance ticket shall consist of the following parts:~~

21 ~~(a) The original which shall be a complaint or notice to~~
22 ~~appear by the officer and filed with the court.~~

23 ~~(b) The first copy which shall be the abstract of court~~
24 ~~record.~~

25 ~~(c) The second copy which shall be delivered to the alleged~~
26 ~~violateor.~~

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1 ~~(d) The third copy which shall be retained by the law~~
2 ~~enforcement agency.~~

3 ~~(3) The court may accept a plea of guilty by the defendant~~
4 ~~of the allegations of an appearance ticket and the court shall~~
5 ~~then impose a fine, license suspension, or other sanction as fur-~~
6 ~~ther authorized by section 33b. If the defendant denies the~~
7 ~~allegations of the appearance ticket, the court shall then set a~~
8 ~~date for trial or hearing.~~

9 Enacting section 1. This amendatory act does not take
10 effect unless all of the following bills of the 89th Legislature
11 are enacted into law:

12 (a) Senate Bill No. 614.

13 (b) Senate Bill No. 758.