



SENATE BILL No. 347

February 28, 1995, Introduced by Senators VAN REGENMORTER, CISKY and BOUCHARD and referred to the Committee on Judiciary.

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:

CHAPTER IV

5
6 Sec. 15. (1) A peace officer ~~, without a warrant,~~ may
7 arrest a person WITHOUT A WARRANT in ANY OF the following
8 situations:

1 (a) ~~When a~~ A felony, misdemeanor, or ordinance violation
2 is committed in the peace officer's presence.

3 (b) ~~When the~~ THE person has committed a felony although
4 not in the PEACE OFFICER'S presence. ~~of the peace officer.~~

5 (c) ~~When a~~ A felony in fact has been committed and the
6 peace officer has reasonable cause to believe ~~that~~ the person
7 ~~has~~ committed it.

8 (d) ~~When the~~ THE peace officer has reasonable cause to
9 believe ~~that~~ a felony has been committed and reasonable cause
10 to believe ~~that~~ the person ~~has~~ committed it.

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

15 (f) ~~When the~~ THE peace officer has received positive
16 information broadcast from a recognized police or other govern-
17 mental radio station, or teletype, as may afford the peace offi-
18 cer reasonable cause to believe ~~that~~ a felony has been commit-
19 ted and reasonable cause to believe ~~that~~ the person ~~has~~ com-
20 mitted it.

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

26 (h) ~~When the~~ THE peace officer has reasonable cause to
27 believe ~~that~~ the person was, at the time of an accident IN THIS

1 STATE, the ~~driver~~ OPERATOR of a vehicle involved in the
 2 accident and was operating the vehicle ~~upon a public highway or~~
 3 ~~other place open to the general public, including an area desig-~~
 4 ~~nated for the parking of vehicles, in the state while~~ in viola-
 5 tion of section 625(1), ~~or (2)~~ (3), OR (6) OR SECTION 625M of
 6 the Michigan vehicle code, Act No. 300 of the Public Acts of
 7 1949, being ~~section~~ SECTIONS 257.625 AND 257.625M of the
 8 Michigan Compiled Laws, or ~~of~~ a local ordinance substantially
 9 corresponding to section 625(1), ~~or (2)~~ (3), OR (6) OR
 10 SECTION 625M of Act No. 300 of the Public Acts of 1949.

11 (I) THE PERSON IS FOUND IN THE DRIVER'S SEAT OF A VEHICLE
 12 PARKED OR STOPPED WITHIN THIS STATE AND THE PEACE OFFICER HAS
 13 REASONABLE CAUSE TO BELIEVE THE PERSON WAS OPERATING THE VEHICLE
 14 IN VIOLATION OF SECTION 625(1), (3), OR (6) OR SECTION 625M OF
 15 ACT NO. 300 OF THE PUBLIC ACTS OF 1949 OR A LOCAL ORDINANCE SUB-
 16 STANTIALLY CORRESPONDING TO SECTION 625(1), (3), OR (6) OR
 17 SECTION 625M OF ACT NO. 300 OF THE PUBLIC ACTS OF 1949.

18 (J) ~~(i) When the~~ THE peace officer has reasonable cause to
 19 believe ~~that~~ the person was, at the time of an accident, the
 20 driver of a snowmobile as defined ~~by~~ IN SECTION 1 OF Act No. 74
 21 of the Public Acts of 1968, ~~as amended,~~ being ~~sections~~
 22 SECTION 257.1501 ~~to 257.1518~~ of the Michigan Compiled Laws,
 23 involved in the accident and was driving the snowmobile while
 24 under the influence of an intoxicating liquor, ~~or~~ a controlled
 25 substance as defined in section 7104 of the public health code,
 26 Act No. 368 of the Public Acts of 1978, ~~as amended,~~ being

1 section 333.7104 of the Michigan Compiled Laws, ~~or~~ or a
 2 combination of intoxicating liquor and a controlled substance.

3 (K) ~~(j) When the~~ THE peace officer has reasonable cause to
 4 believe ~~that~~ the person was, at the time of an accident, the
 5 driver of an ORV as defined in SECTION 1 OF Act No. 319 of the
 6 Public Acts of 1975, ~~as amended,~~ being ~~sections~~ SECTION
 7 257.1601 ~~to 257.1626~~ of the Michigan Compiled Laws, involved in
 8 the accident and was driving the ORV while under the influence of
 9 an intoxicating liquor, ~~or~~ a controlled substance, as defined in
 10 section 7104 of Act No. 368 of the Public Acts of 1978, ~~as~~
 11 ~~amended,~~ or a combination of intoxicating liquor and a con-
 12 trolled substance.

13 (L) ~~(k) When the~~ THE peace officer has reasonable cause to
 14 believe ~~that~~ a violation of section 356c or 356d of the
 15 Michigan penal code, Act No. 328 of the Public Acts of 1931,
 16 being sections 750.356c and 750.356d of the Michigan Compiled
 17 Laws, has taken place or is taking place ~~or~~ and ~~reasonable~~
 18 ~~cause to believe that~~ the person committed or is committing the
 19 violation, regardless of whether the violation was committed in
 20 the PEACE OFFICER'S presence. ~~of the peace officer.~~

21 (2) An officer in the United States customs service or the
 22 immigration and naturalization service ~~, without a warrant,~~ may
 23 arrest a person WITHOUT A WARRANT if all of the following circum-
 24 stances exist:

25 (a) The officer is on duty.

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

1 (i) The person commits an assault or an assault and battery
2 punishable under section 81 or 81a of the Michigan penal code,
3 Act No. 328 of the Public Acts of 1931, ~~as amended,~~ being sec-
4 tion 750.81 and 750.81a of the Michigan Compiled Laws, on the
5 officer.

6 (ii) The person commits an assault or an assault and battery
7 punishable under section 81 or 81a of Act No. 328 of the Public
8 Acts of 1931 ~~, as amended,~~ on any other person in the OFFICER'S
9 presence ~~of the officer,~~ or commits ~~any~~ A felony.

10 (iii) The officer has reasonable cause to believe ~~that~~ a
11 felony has been committed and ~~reasonable cause to believe that~~
12 the person ~~has~~ committed it, and the reasonable cause is not
13 founded on a customs search.

14 (iv) The officer has received positive information by writ-
15 ten, telegraphic, teletypic, telephonic, radio, or other authori-
16 tative source that a peace officer holds a warrant for the
17 person's arrest.

18 (c) The officer has received training in the laws of this
19 state equivalent to the training provided for an officer of a
20 local police agency under the Michigan law enforcement officers
21 training council act of 1965, Act No. 203 of the Public Acts of
22 1965, ~~as amended,~~ being sections 28.601 to 28.616 of the
23 Michigan Compiled Laws.

24 Section 2. This amendatory act shall take effect January 1,
25 1996.

1 Section 3. This amendatory act shall not take effect unless
2 Senate Bill No. 348
3 of the 88th Legislature is enacted into law.