



# SENATE BILL No. 907

October 20, 1993, Introduced by Senators VAN REGENMORTER  
and WELBORN and referred to the Committee on Judiciary

A bill to amend sections 15 and 16 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 sec-  
tions 764 15 and 764 16 of the Michigan Compiled Laws

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Sections 15 and 16 of chapter IV of Act No 175  
2 of the Public Acts of 1927 as amended by Act No 19 of the  
3 Public Acts of 1988 being sections 764 15 and 764 16 of the  
4 Michigan Compiled Laws, are 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~~ A felony, misdemeanor, or ordinance violation  
9 is committed in the peace officer's presence

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

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

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

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

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

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

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

1 general public, including an area designated for the parking of  
2 vehicles, in the state while in violation of section 625(1) ~~or~~  
3 ~~(2)~~ of the Michigan vehicle code, Act No 300 of the Public Acts  
4 of 1949, being section 257 625 of the Michigan Compiled Laws, or  
5 of a local ordinance substantially corresponding to section  
6 625(1) ~~or (2)~~ of Act No 300 of the Public Acts of 1949

7 (1) ~~When the~~ THE peace officer has reasonable cause to  
8 believe that the person was, at the time of an accident, the  
9 driver of a snowmobile as defined ~~by~~ IN SECTION 1 OF Act No 74  
10 of the Public Acts of 1968, as amended, being ~~sections~~ SECTION  
11 257 1501 ~~to 257 1518~~ of the Michigan Compiled Laws, involved in  
12 the accident and was driving the snowmobile while under the  
13 influence of an intoxicating liquor, ~~—~~ a controlled substance  
14 as defined in section 7104 of the public health code, Act No 368  
15 of the Public Acts of 1978, as amended, being section 333 7104 of  
16 the Michigan Compiled Laws, ~~—~~ or a combination of intoxicating  
17 liquor and a controlled substance

18 (j) ~~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 an ORV as defined in SECTION 1 OF Act No 319 of the  
21 Public Acts of 1975, as amended being ~~sections~~ SECTION  
22 257 1601 ~~to 257 1626~~ of the Michigan Compiled Laws, involved in  
23 the accident and was driving the ORV while under the influence of  
24 an intoxicating liquor, ~~—~~ a controlled substance, as defined in  
25 section 7104 of Act No 368 of the Public Acts of 1978, as  
26 amended, ~~—~~ or a combination of intoxicating liquor and a  
27 controlled substance

1       (k) ~~When the~~ THE peace officer has reasonable cause to  
 2 believe that a violation of section 131, 157S, 157W, 174, 175,  
 3 177, 178, 181, 218, 219A, 282, 356, 356A, 356c, ~~or~~ 356d, 356E,  
 4 362A, 377A, 380, 387, OR 535 of the Michigan penal code, Act  
 5 No 328 of the Public Acts of 1931, being sections 750 131,  
 6 750 157S, 750 157W, 750 174, 750 175, 750 177, 750 178, 750 181,  
 7 750 218 750 219A 750 282, 750 356, 750 356A, 750 356c, ~~and~~  
 8 750 356d, 750 356E, 750 362A, 750 377A, 750 380, 750 387, AND  
 9 750 535 of the Michigan Compiled Laws, has taken place or is  
 10 taking place, and reasonable cause to believe that the person  
 11 committed or is committing the violation regardless of whether  
 12 the violation was committed in the PEACE OFFICER'S presence ~~of~~  
 13 ~~the peace officer~~

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

17       (a) The officer is on duty

18       (b) One or more of the following situations exist

19       (1) The person commits an assault or an assault and battery  
 20 punishable under section 81 or 81a of the Michigan penal code  
 21 Act No 328 of the Public Acts of 1931, as amended, being section  
 22 750 81 and 750 81a of the Michigan Compiled Laws, on the  
 23 officer

24       (11) The person commits an assault or an assault and battery  
 25 punishable under section 81 or 81a of Act No 328 of the Public  
 26 Acts of 1931, as amended, on any other person in the OFFICER'S  
 27 presence, ~~of the officer,~~ or commits ~~any~~ A felony

1       (111) The officer has reasonable cause to believe that a  
2 felony has been committed and reasonable cause to believe that  
3 the person has committed it, and the reasonable cause is not  
4 founded on a customs search

5       (iv) The officer has received positive information by writ-  
6 ten, telegraphic, teletypic, telephonic, radio, or other authori-  
7 tative source that a peace officer holds a warrant for the  
8 person's arrest

9       (c) The officer has received training in the laws of this  
10 state equivalent to the training provided for an officer of a  
11 local police agency under the Michigan law enforcement officers  
12 training council act of 1965, Act No 203 of the Public Acts of  
13 1965, as amended, being sections 28 601 to 28 616 of the Michigan  
14 Compiled Laws

15       Sec 16 A private person may make an arrest — in the  
16 following situations

17       (a) For a felony committed in the private person's  
18 presence

19       (b) If the person to be arrested has committed a felony  
20 although not in the private person's presence

21       (c) If the private person is summoned by a peace officer to  
22 assist the officer in making an arrest

23       (d) If the private person is a merchant, an agent of a mer-  
24 chant, an employee of a merchant, or an independent contractor  
25 providing security for a merchant of a store and has reasonable  
26 cause to believe that the person to be arrested has violated  
27 section 356c, ~~or~~ 356d OR 356E of the Michigan penal code, Act

1 No 328 of the Public Acts of 1931, being sections 750 356c  
2 ~~and~~ 750 356d, AND 750 356E of the Michigan Compiled Laws in  
3 that store regardless of whether the violation was committed in  
4 the PRIVATE PERSON'S presence ~~of the private person~~

5 Section 2 This amendatory act shall not take effect unless  
6 Senate Bill No 748 of the 87th Legislature is enacted into law