

HOUSE BILL No. 4978

May 20, 2009, Introduced by Rep. Jackson and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 727c (MCL 257.727c), as amended by 1999 PA 73.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 727c. (1) As used in this act, "citation" means a
2 complaint or notice upon which a police officer shall record an
3 occurrence involving 1 or more vehicle law violations by the person
4 cited. Each citation shall be numbered consecutively, be in a form
5 as determined by the secretary of state, the attorney general, the
6 state court administrator, and the director of the department of
7 state police and shall consist of the following parts:

8 (a) The original, which ~~shall be~~ **IS** a complaint or notice to
9 appear by the officer and shall be filed with the court in which
10 the appearance is to be made.

1 (b) The first copy, which shall be retained by the local
2 traffic enforcement agency.

3 (c) The second copy, which shall be delivered to the alleged
4 violator if the violation is a misdemeanor.

5 (d) The third copy, which shall be delivered to the alleged
6 violator if the violation is a civil infraction.

7 (2) With the prior approval of the state officials enumerated
8 in subsection (1), the citation may be appropriately modified as to
9 content or number of copies to accommodate law enforcement and
10 local court procedures and practices. Use of this citation for
11 other than moving violations is optional.

12 (3) For purposes of this act, a complaint signed by a police
13 officer shall be treated as made under oath if the violation
14 alleged in the complaint is either a civil infraction or a
15 misdemeanor or ordinance violation for which the maximum
16 permissible penalty does not exceed 93 days in jail or a fine, or
17 both, and occurred or was committed in the signing officer's
18 presence or under circumstances permitting the officer's issuance
19 of a citation under section 625a or 728(8), and if the complaint
20 contains the following statement immediately above the date and
21 signature of the officer:

22 "I declare under the penalties of perjury that the statements
23 above are true to the best of my information, knowledge, and
24 belief."

25 (4) **EACH CITATION SHALL PROVIDE A BLANK SPACE AND A CHECK-OFF**
26 **BOX OR OTHER MECHANISM FOR NOTING THE RACE OR ETHNICITY OF THE**
27 **INDIVIDUAL TO WHOM THE TRAFFIC CITATION IS ISSUED, INCLUDING, BUT**

1 NOT LIMITED TO, ARAB, ASIAN, BLACK, CAUCASIAN, HISPANIC, OR NATIVE
2 AMERICAN. IF THE POLICE OFFICER ISSUING THE CITATION CANNOT
3 VISUALLY ASCERTAIN THE RACE OR ETHNICITY OF THE INDIVIDUAL TO WHOM
4 THE CITATION IS ISSUED, THE OFFICER SHALL ASK THE INDIVIDUAL TO
5 STATE HIS OR HER RACE OR ETHNICITY. IF THE INDIVIDUAL IDENTIFIES
6 HIMSELF OR HERSELF AS OTHER THAN ARAB, ASIAN, BLACK, CAUCASIAN,
7 HISPANIC, OR NATIVE AMERICAN, OR AS MORE THAN 1 OF THEM, THE
8 INDIVIDUAL'S ACTUAL SELF-DESCRIPTION PREVAILS. IF THE INDIVIDUAL
9 DECLINES TO RESPOND TO THE QUESTION, THE OFFICER SHALL INDICATE ON
10 THE CITATION THAT THE INDIVIDUAL DECLINES TO RESPOND. INFORMATION
11 ASCERTAINED UNDER THIS SUBSECTION SHALL BE RECORDED ON THE
12 CITATION. AN OFFICER WHO VIOLATES THIS SUBSECTION BY FAILING TO
13 ASCERTAIN OR ATTEMPT TO ASCERTAIN THE RACE OR ETHNICITY OF THE
14 INDIVIDUAL TO WHOM THE CITATION IS ISSUED OR BY REPORTING FALSE
15 INFORMATION ON THE CITATION IS GUILTY OF MISCONDUCT AND SUBJECT TO
16 ADMINISTRATIVE DISCIPLINE BY HIS OR HER EMPLOYER.

17 (5) INFORMATION REPORTED ON A CITATION AS DESCRIBED UNDER
18 SUBSECTION (4) SHALL BE COLLECTED BY THE LAW ENFORCEMENT AGENCY
19 THAT EMPLOYS THE OFFICER WHO ISSUED THE CITATION. THE LAW
20 ENFORCEMENT AGENCY SHALL FORWARD THAT INFORMATION TO THE DEPARTMENT
21 OF STATE POLICE IN A FORM AND MANNER AS DETERMINED BY THE
22 DEPARTMENT OF STATE POLICE.