

**THE CODE OF CRIMINAL PROCEDURE (EXCERPT)**  
**Act 175 of 1927**  
Chapter IV  
ARREST

**764.1 Issuance of processes; authorization for issuance of warrant or summons; exception; making complaint for arrest warrant or summons by electronic or electromagnetic means; proof of signing; location.**

**Former Law:** <Paragraph><P>See section 1 of Ch. 163 of R.S. 1846, being CL 1857, Å§ 5977; CL 1871, Å§ 7843; How., Å§ 9454; CL 1897, Å§ 11838; CL 1915, Å§ 15665; Act 4 of 1858; and section 1 of Act 108 of 1883, being How., Å§ 7135a; CL 1897, Å§ 1061; and CL 1915, Å§ 15811.</P></Paragraph>

**764.1a Complaint; allegations; swearing before magistrate or clerk; issuance of summons; finding of reasonable cause; testimony; supplemental affidavits; basis of factual obligations; complaint alleging violation of MCL 750.81 or 750.81a or corresponding ordinance; refusal to accept complaint prohibited; compliance with MCL 764.1; definitions.**

**764.1b Warrant; recitation of accusation; directions to peace officer.**

**764.1c Issuing warrant or endorsing complaint if accused in custody upon arrest without warrant; finding of reasonable cause; endorsement as complaint and warrant.**

**764.1d Complaint; recitation of accusation; factual allegations.**

**764.1e Complaint signed by peace officer; statement; making materially false statement in complaint as perjury; penalty; contempt of court.**

**764.1f Juvenile; filing complaint and warrant with magistrate; â€œspecified juvenile violationâ€ defined.**

**Compiler's Notes:** <Paragraph><P>Section 3 of Act 67 of 1988 provides: â€œThis amendatory act shall take effect June 1, 1988.â€ This section was amended by Act 173 of 1988 to read as follows: â€œThis amendatory act shall take effect October 1, 1988.â€</P></Paragraph>

**764.1g Arrest warrant; determination that person is parolee; use of LEIN; notice.**

**764.2 Warrant; pursuit and apprehension of party in other county; aid.**

**Former Law:** <Paragraph><P>See section 4 of Ch. 163 of R.S. 1846, being CL 1857, Â§ 5980; CL 1871, Â§ 7846; How., Â§ 9457; CL 1897, Â§ 11841; and CL 1915, Â§ 15668.</P></Paragraph>

**764.2a Peace officer; exercise of authority in other county, city, village, township, public airport authority, or university; violation involving water vessel; "public airport authority" defined.**

**764.2b Authority and immunity of law enforcement officer of another state; definitions.**

**764.3 Failure to appear; rebuttable presumption for first failure; revocation of release order or forfeiture of bail; issuance of warrant; conditions and reasons.**

**Compiler's Notes:** <Paragraph><P>Former MCL 764.3, which pertained to return of arrest warrant, was repealed by Act 506 of 1980, Imd. Eff. Jan. 22, 1981.</P></Paragraph>

**764.4 Taking person arrested pursuant to warrant before magistrate of judicial circuit in which arrest made; conditions.**

**Former Law:** <Paragraph><P>See section 5 of Ch. 163 of R.S. 1846, being CL 1857, Â§ 5981; CL 1871, Â§ 7847; How., Â§ 9458; CL 1897, Â§ 11842; and CL 1915, Â§ 15669. </P></Paragraph>

**764.5 Taking recognizance for arrested person's appearance before magistrate of judicial circuit in which offense charged to have been committed.**

**Former Law:** <Paragraph><P>See section 6 of Ch. 163 of R.S. 1846, being CL 1857, Â§ 5982; CL 1871, Â§ 7848; How., Â§ 9459; CL 1897, Â§ 11843; CL 1915, Â§ 15670; and Act 302 of 1925.</P></Paragraph>

**764.6 Recognizance; certification; delivery.**

**Former Law:** <Paragraph><P>See section 7 of Ch. 163 of R.S. 1846, being CL 1857, Â§ 5983; CL 1871, Â§ 7849; How., Â§ 9460; CL

1897, Â§ 11844; and CL 1915, Â§ 15671. </P></Paragraph>

**764.6f Communication and hearing protocols for swift processing of warrants originated in another county.**

**764.7 Taking arrested person before magistrate of judicial circuit in which offense charged to have been committed in absence of bail.**

**Former Law:** <Paragraph><P>See section 8 of Ch. 163 of 1846, being CL 1857, Â§ 5984; CL 1871, Â§ 7850; How., Â§ 9461; CL 1897, Â§ 11845; and CL 1915, Â§ 15672.</P></Paragraph>

**764.8 Repealed. 1980, Act 506, Imd. Eff. Jan. 22, 1981.**

**Compiler's Notes:** <Paragraph><P>The repealed section pertained to offense not cognizable by justice of peace.</P></Paragraph>

**764.9 Repealed. 1988, Act 113, Imd. Eff. May 2, 1988.**

**Compiler's Notes:** <Paragraph><P>The repealed section pertained to arrested person's right to be brought before magistrate where offense cognizable by justice of the peace.</P></Paragraph>

**764.9a Minor offense; written order for summons; contents; service.**

**764.9b Repealed. 1999, Act 76, Eff. Oct. 1, 1999.**

**Compiler's Notes:** <Paragraph><P>The repealed section pertained to arrest without warrant for minor offense.</P></Paragraph>

**764.9c Arrest without warrant for misdemeanor or ordinance violation; issuance and service of appearance ticket by police officer or specially authorized public servant; exceptions; circumstances for arrest; time period for charges or release; definitions.**

**764.9d Complaint; filing; contents; dismissal.**

**764.9e Failure to appear; rebuttable presumption; articulable reasons to overcome presumption.**

**764.9f Appearance ticket; definition; consecutive numbering; form; contents; modification.**

**764.9g Magistrates jurisdiction; pleas, complaint.**

**764.10-764.12 Repealed. 1980, Act 506, Imd. Eff. Jan. 22, 1981.**

**Compiler's Notes:** <Paragraph><P>The repealed sections pertained to recognizance for appearance, certification to bail, and insufficient bail.</P></Paragraph>

**764.13 Arrest without warrant; taking arrested person before magistrate of judicial district in which offense charged to have been committed; complaint.**

**Compiler's Notes:** <Paragraph><P>Former MCL 764.13, pertaining to the taking of persons arrested without warrants before a magistrate without unnecessary delay, was repealed by Act 44 of 1961.</P></Paragraph>

**764.14 Arrest by private person; disposition of arrested person; complaint.**

**764.15 Arrest by officer without warrant; situations; circumstances.**

**764.15a Arrest without warrant for assault of individual having child in common, household resident, dating relationship, or spouse or former spouse.**

**764.15b Arrest without warrant for violation of personal protection order; answering to charge of contempt; hearing; bond; show cause order; jurisdiction to conduct contempt proceedings; prosecution of**

**criminal contempt; prohibited actions by court; definitions.**

**764.15c Investigation or intervention in domestic violence dispute; providing victim with notice of rights; address confidentiality program; report; retention and filing of report; development of standard domestic violence incident report form; definitions.**

**764.15d Federal law enforcement officer; powers.**

**764.15e Violation of condition of release; arrest without warrant; duties of peace officer; release on interim bond; priority to certain cases; hearing and revocation procedures.**

**764.15f Violation of order issued by probate court or family division of circuit court; arrest without warrant; duties of police officer and court; authority of judge to arraign, take plea, or sentence; judge not available; entering order into or removing from law enforcement information network.**

**764.15g Determination that person arrested is parolee; notice to department of corrections; compliance.**

**764.15h Investigation of financial neglect, abuse or harm of a vulnerable adult or elder adult; definitions.**

**764.16 Arrest by private person; situations.**

**764.17 Arrest; time.**

**764.18 Arrest; under warrant; duty of officer.**

**764.19 Arrest; without warrant; officer, duties; return as evidence.**

**764.20 Arrest; private persons, duty.**

**764.21 Right to break open inner or outer door.**

**764.22 Right to break open door or window.**

**764.23 Escape from custody or from state correctional facility; pursuit and retaking or arrest without warrant; definition.**

**764.23a Trespass upon state correctional facility; violation; arrest without warrant; "state correctional facility" defined.**

**764.24 Arrest; escape or rescue; means of recapture.**

**764.25 Arrest; weapons and articles on prisoner; seizure, disposal.**

**764.25a Strip search.**

**764.25b Body cavity search.**

**764.25c Repealed. 1983, Act 92, Eff. Mar. 29, 1984.**

**Compiler's Notes:** <Paragraph><P>The repealed section pertained to the applicability of MCL 764.25a and 764.25b.</P></Paragraph>

**764.26 Arrest; rights of alleged felon.**

**764.26a Dismissal of charges before trial; requirements; receipt of order.**

**764.27 Arrest of child less than 18 years of age; procedure.**

**Compiler's Notes:** <Paragraph><P>Section 3 of Act 67 of 1988 provides: "This amendatory act shall take effect June 1, 1988." This section was amended by Act 173 of 1988 to read as follows: "This amendatory act shall take effect October 1, 1988."</P></Paragraph>  
**Former Law:** <Paragraph><P>See section 6 of Act 6 of 1907 (Ex. Sess.); Act 308 of 1915; CL 1915, Â§ 2016; and Act 105 of 1923.</P></Paragraph>

**764.27a Juvenile taken into custody or detained; prohibitions; confinement of juvenile in county jail; other confinement; credit for time served.**

**Compiler's Notes:** <Paragraph><P>Section 3 of Act 67 of 1988 provides: "This amendatory act shall take effect June 1, 1988." This section was amended by Act 173 of 1988 to read as follows: "This amendatory act shall take effect October 1, 1988."</P></Paragraph>

**764.28 Failure of person under recognizance or appeal to appear; forfeiture; issuing process for arrest of appellant or defendant.**

**Former Law:** <Paragraph><P>See section 2 of Act 209 of 1861, being CL 1871, Â§ 7962; How., Â§ 9575; CL 1897, Â§ 11959; and CL 1915, Â§ 15832.</P></Paragraph>

**764.29 Fingerprints.**