

Act No. 302
Public Acts of 1993
Approved by the Governor
December 23, 1993
Filed with the Secretary of State
December 28, 1993

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1993**

Introduced by Reps. Yokich, Mathieu, Nye, Curtis and Bandstra

ENROLLED HOUSE BILL No. 4911

AN ACT to amend sections 162, 163, and 164 of Act No. 303 of the Public Acts of 1967, entitled as amended "An act to promote the safe use of the waters of this state; to provide for the taxation and numbering of motorboats and vessels; to provide for rules relative to the operation of vessels and motorboats; the carrying of equipment on such waters and to the use of waters of this state for boating; to promote uniformity of laws relating thereto; to prescribe the duties and responsibilities of owners and operators of vessels and motorboats; to prescribe the powers and duties of certain state departments; to provide for the disposition of revenue; and to provide for penalties," section 162 as amended by Act No. 301 of the Public Acts of 1992 and sections 163 and 164 as amended by Act No. 494 of the Public Acts of 1988, being sections 281.1162, 281.1163, and 281.1164 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Sections 162, 163, and 164 of Act No. 303 of the Public Acts of 1967, section 162 as amended by Act No. 301 of the Public Acts of 1992 and sections 163 and 164 as amended by Act No. 494 of the Public Acts of 1988, being sections 281.1162, 281.1163, and 281.1164 of the Michigan Compiled Laws, are amended to read as follows:

Sec. 162. If a person is arrested without a warrant for any of the following, the arrested person shall, without unreasonable delay, be arraigned by a magistrate or judge who is within the county in which the offense charged is alleged to have been committed, who has jurisdiction of the offense, and who is nearest or most accessible with reference to the place where the arrest is made:

- (a) The person is arrested upon a charge of negligent homicide.
- (b) The person is arrested under section 171(1), (3), (4), or (5), or a local ordinance substantially corresponding to section 171(1) or (3).
- (c) The person is arrested under section 74 or a local ordinance substantially corresponding to section 74. If in the existing circumstances it does not appear that releasing the person pending the issuance of a warrant will constitute a public menace, the arresting officer may proceed as provided by section 163.

Sec. 163. (1) When a person is arrested without a warrant for any violation of this act punishable as a misdemeanor, or of a provision of any local ordinance or rule established in conformity with this act, under conditions not referred to in section 162, the arresting officer shall prepare in duplicate a written notice to appear in court containing the name and address of the person, the offense charged, and the time and place when and where the person shall appear in court. If the arrested person so demands, he or she shall be arraigned by a magistrate or a district court judge as provided in section 162 in lieu of being given the notice.

(2) The time specified in the notice to appear shall be within a reasonable time after the arrest unless the person arrested demands an earlier hearing.

(3) The place specified in the notice to appear shall be before a magistrate or a district court judge within the township or county in which the offense charged is alleged to have been committed and who has jurisdiction of the offense.

(4) Appearance may be made in person, by representation or by mail. When appearance is made by representation, or mail, the magistrate or the district court judge may accept the plea of guilty or not guilty for purposes of arraignment, with the same effect as though the person personally appeared before him or her. The magistrate or the district court judge, by giving notice 5 days prior to the date of appearance, may require appearance in person at the time and place designated in the notice.

Sec. 164. (1) If a person not a resident of this state is arrested without a warrant for any violation of this act under conditions not referred to under section 162, the officer making the arrest, upon demand of the arrested person, shall immediately take the person for arraignment by a magistrate or a district court judge in the vicinity to answer to the complaint made against him or her. If a magistrate or a district court judge is not available or an immediate trial cannot be had, the person arrested may recognize to the officer for his or her appearance by leaving with him or her a sum of money not to exceed \$25.00.

(2) The officer making the arrest shall give a receipt to the person arrested for the money deposited with him or her under subsection (1) together with a written summons as provided in section 163.

(3) If the offender fails to appear as required, the deposit shall be forfeited as in other cases of default in bail, in addition to any other penalty provided in this act.

(4) Within 48 hours after taking a deposit under this section, the officer shall deposit the money with the magistrate or the district court judge named in the notice to appear, together with a report stating the facts relating to the arrest. Failure to make the report and deposit the money is embezzlement of public money.

Section 2. This amendatory act shall not take effect unless all of the following bills of the 87th Legislature are enacted into law:

- (a) House Bill No. 4910.
- (b) House Bill No. 4909.
- (c) House Bill No. 4912.
- (d) House Bill No. 4913.

This act is ordered to take immediate effect.

Co-Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.