



HOUSE BILL No. 4911

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July 1, 1993, Introduced by Reps. Yokich, Mathieu, Nye, Curtis and Bandstra and referred to the Committee on Judiciary.

A bill to amend sections 162, 163, and 164 of Act No. 303 of the Public Acts of 1967, entitled as amended

"Marine safety act,"

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:

1 Section 1. Sections 162, 163, and 164 of Act No. 303 of the  
2 Public Acts of 1967, section 162 as amended by Act No. 301 of the  
3 Public Acts of 1992 and sections 163 and 164 as amended by Act  
4 No. 494 of the Public Acts of 1988, being sections 281.1162,  
5 281.1163, and 281.1164 of the Michigan Compiled Laws, are amended  
6 to read as follows:

1       Sec. 162. If a person is arrested without a warrant for any  
2 of the following, the arrested person shall, ~~be taken,~~ without  
3 unreasonable delay, ~~before~~ BE ARRAIGNED BY a magistrate or  
4 judge who is within the county in which the offense charged is  
5 alleged to have been committed, who has jurisdiction of the  
6 offense, and who is nearest or most accessible with reference to  
7 the place where the arrest is made:

8       (a) The person is arrested upon a charge of negligent  
9 homicide.

10       (b) The person is arrested under section 171(1), (3), (4),  
11 or (5), or a local ordinance substantially corresponding to sec-  
12 tion 171(1) or (3).

13       (c) The person is arrested under section 74 or a local ordi-  
14 nance substantially corresponding to section 74. If in the  
15 existing circumstances it does not appear that releasing the  
16 person pending the issuance of a warrant will constitute a public  
17 menace, the arresting officer may proceed as provided by section  
18 163.

19       Sec. 163. (1) When a person is arrested without a warrant  
20 for any violation of this act punishable as a misdemeanor, or of  
21 a provision of any local ordinance or rule established in con-  
22 formity with this act, under conditions not referred to in sec-  
23 tion 162, the arresting officer shall prepare in duplicate a  
24 written notice to appear in court containing the name and address  
25 of the person, the offense charged, and the time and place when  
26 and where the person shall appear in court. If the arrested  
27 person so demands, he or she shall be ~~taken before~~ ARRAIGNED BY

1 a magistrate or a district court judge as provided in section 162  
2 in lieu of being given the notice.

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

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

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

19 Sec. 164. (1) ~~When~~ IF a person not a resident of this  
20 state is arrested without a warrant for any violation of this act  
21 under conditions not referred to under section 162, the officer  
22 making the arrest, upon demand of the arrested person, shall  
23 ~~forthwith~~ IMMEDIATELY take the person ~~before~~ FOR ARRAIGNMENT  
24 BY a magistrate or a district court judge in the vicinity to  
25 answer to the complaint made against him or her. If a magistrate  
26 or a district court judge is not available or an immediate trial  
27 cannot be had, the person arrested may recognize to ~~such~~ THE

1 officer for his or her appearance by leaving with him or her a  
2 sum of money not to exceed \$25.00.

3 (2) ~~In all cases the~~ THE officer making the arrest shall  
4 give a receipt to the person arrested for the money ~~so~~ depos-  
5 ited with him or her UNDER SUBSECTION (1) together with a written  
6 summons as provided in section 163.

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

10 (4) ~~Every officer~~ WITHIN 48 HOURS AFTER taking a deposit  
11 under this section, ~~within 48 hours thereafter~~ THE OFFICER  
12 shall deposit ~~it~~ THE MONEY with the magistrate or the district  
13 court judge named in the notice to appear, together with a report  
14 stating the facts relating to the arrest. Failure to make the  
15 report and deposit the money is embezzlement of public money.

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

19 (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 4910 (request  
20 no. 01538'93).

21 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 4909 (request  
22 no. 01539'93).

23 (c) Senate Bill No. \_\_\_\_\_ or House Bill No. 4912 (request  
24 no. 02430'93).

25 (d) Senate Bill No. \_\_\_\_\_ or House Bill No. 4913 (request  
26 no. 02431'93).