

HOUSE BILL No. 6120

November 8, 1990, Introduced by Rep. Martin 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," 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, as amended by Act No. 494 of the Public Acts
3 of 1988, being sections 281.1162, 281.1163, and 281.1164 of the
4 Michigan Compiled Laws, are amended to read as follows:

5 Sec. 162. Whenever a person is arrested without a warrant
6 for any violation of this act or of a provision of any local
7 ordinance or rule established in conformity with this act,
8 punishable as a misdemeanor, the arrested person shall, ~~be~~

1 ~~taken,~~ without unreasonable delay, ~~before~~ BE ARRAIGNED BY a
2 magistrate or a district court judge within the county in which
3 the offense charged is alleged to have been committed and who has
4 jurisdiction of the offense and is nearest or most accessible
5 with reference to the place where the arrest is made, in any of
6 the following cases:

7 (a) When the person is arrested upon a charge of negligent
8 homicide.

9 (b) When the person is arrested under section 73 or section
10 73b.

11 (c) When a person is arrested under section 74. When in the
12 existing circumstances it does not appear that releasing the
13 person pending the issuance of a warrant will constitute a public
14 menace, the arresting officer may proceed in such cases as pro-
15 vided by section 163.

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

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

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

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

17 Sec. 164. (1) When a person not a resident of this state is
18 arrested without a warrant for any violation of this act under
19 conditions not referred to under section 162, the officer making
20 the arrest, upon demand of the arrested person, shall forthwith
21 take the person ~~before~~ FOR ARRAIGNMENT BY a magistrate or a
22 district court judge in the vicinity to answer to the complaint
23 made against him or her. If a magistrate or a district court
24 judge is not available or an immediate trial cannot be had, the
25 person arrested may recognize to such officer for his or her
26 appearance by leaving with him or her a sum of money not to
27 exceed \$25.00.

1 (2) In all cases the officer making the arrest shall give a
2 receipt to the person arrested for the money so deposited with
3 him or her together with a written summons as provided in section
4 163.

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

8 (4) Every officer taking a deposit under this section within
9 48 hours thereafter shall deposit it with the magistrate or the
10 district court judge named in the notice to appear, together with
11 a report stating the facts relating to the arrest. Failure to
12 make the report and deposit the money is embezzlement of public
13 money.

14 Section 2. This amendatory act shall not take effect unless
15 all of the following bills of the 85th Legislature are enacted
16 into law:

17 (a) Senate Bill No. _____ or House Bill No. 6118 (request
18 no. 04356'89).

19 (b) Senate Bill No. _____ or House Bill No. 6119 (request
20 no. 04356'89a).

21 (c) Senate Bill No. _____ or House Bill No. 6121 (request
22 no. 04356'89c).

23 (d) Senate Bill No. _____ or House Bill No. 6122 (request
24 no. 04356'89d).