

SENATE BILL No. 415

May 3, 1989, Introduced by Senator V. SMITH and
referred to the Committee on Judiciary.

A bill to amend section 3 of Act No. 68 of the Public Acts
of 1913, entitled

"An act relating to drunkenness on railway trains or interurban
cars, and prohibiting the drinking of intoxicating liquor thereon
as a beverage, and providing for the arrest of offenders, and
penalties for violation of this act,"

being section 436.203 of the Michigan Compiled Laws; and section
10 of article IV and section 10 of article V of Act No. 198 of
the Public Acts of 1873, entitled as amended

"An act to revise the laws providing for the incorporation of the
railroad bridge and tunnel companies and to regulate the running
and management and to fix the duties and liabilities of all rail-
road, bridge, tunnel and other corporation owning or operating
any railroad, bridge, or tunnel within this state, and to autho-
rize the use of certain provisions of this act having to do with
the exercise of the power of eminent domain by the state highway
commissioner in certain cases, and to provide certain changes in
such procedure when used by the state highway commissioner, and
to confer certain rights and powers upon everyone coming under
the provisions of this act,"

being sections 466.10 and 467.10 of the Michigan Compiled Laws, to harmonize provisions of law relating to the abolished office of justice of the peace in regard to conduct on trains.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 3 of Act No. 68 of the Public Acts of
2 1913, being section 436.203 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 3. The conductor of any railway train or interurban
5 car, may summarily arrest, with or without warrant, any person
6 violating any of the foregoing provisions, and for such purpose
7 shall have the same power and authority as any peace officer,
8 including the power to summon assistance; and such conductor
9 shall further have power to deliver any person to any policeman,
10 constable, or other public officer at the next station stop where
11 such public officer can be found, and it shall be the duty of
12 such officer to bring the person charged with such offense before
13 the ~~nearest justice of the peace~~ DISTRICT COURT or municipal
14 court of ~~the county~~ THE JUDICIAL DISTRICT OR MUNICIPALITY where
15 ~~said~~ THE offense was committed, and to make a complaint against
16 such person, and such complaint made upon information and belief
17 of said officer, shall be sufficient.

18 Section 2. Section 10 of article IV and section 10 of arti-
19 cle V of Act No. 198 of the Public Acts of 1873, being sections
20 466.10 and 467.10 of the Michigan Compiled Laws, are amended to
21 read as follows:

ARTICLE IV

1
2 Sec. 10. Any person who shall, while riding in the car
3 either of a freight or passenger or other train, on any railroad
4 in this state, use or utter indecent, obscene, or profane lan-
5 guage in the hearing of other passengers, or riotously or bois-
6 terously conduct himself or herself to the annoyance of other
7 passengers, or who shall obtain any money or property from any
8 passenger or person in such car by means of any game or device,
9 or attempt so to do, shall, on conviction, ~~thereof,~~ be deemed
10 guilty of a misdemeanor, and be punished by a fine not exceeding
11 \$100.00, ~~dollars,~~ or imprisonment ~~in the county jail~~ for a
12 period not exceeding 90 days, or both, in the discretion of the
13 court. Railroad conductors are hereby invested with the powers
14 of sheriffs and constable in regard to offenses under this sec-
15 tion occurring upon trains or cars in their charge, and are
16 empowered to arrest and detain any person violating any of its
17 provisions until the car or train shall arrive at some usual
18 stopping place, where a sheriff, deputy, or undersheriff of any
19 county, or constable, or marshal, or ~~policeman~~ POLICE OFFICER
20 of any city or village in this state may be, to whose custody he
21 OR SHE may deliver such offender, with a written statement speci-
22 fying generally in what respect such person has misbehaved; or if
23 there be no such officer present to receive the offender, the
24 conductor may deliver him OR HER to the ticket or freight agent
25 at such stopping place, with such statement, who shall detain the
26 offender in his OR HER custody, and may exercise the powers of
27 sheriffs and constables in regard to persons charged with crimes

1 in doing so, until such officer may be obtained to take charge of
2 the offender, to whom he OR SHE shall be delivered, with such
3 statement made by the conductor, and such officer shall take the
4 person so offending into custody, and it shall be his OR HER duty
5 to institute a complaint against such person for such offense
6 before ~~a justice of the peace in his county~~ THE DISTRICT OR
7 MUNICIPAL COURT OF THE JUDICIAL DISTRICT IN WHICH THE OFFENSE WAS
8 COMMITTED, and such ~~justice~~ COURT shall have jurisdiction to
9 try such offender, and to impose the judgment authorized by this
10 section.

11 ARTICLE V

12 Sec. 10. All penalties incurred under this act, when not
13 otherwise provided for, may be sued for in the name of the people
14 of the state of Michigan. ~~, and if such penalty be for a sum~~
15 ~~not exceeding 100 dollars, then such suit may be brought before a~~
16 ~~justice of the peace.~~