

HOUSE BILL No. 4356

March 13, 2019, Introduced by Reps. Steven Johnson, Rabhi, Haadsma, LaFave, Howell, Neeley, Garrett, Yancey, Peterson, Brann, VanSingel, Kennedy, Brenda Carter, Garza, Tyrone Carter, Pohutsky, Lasinski, Sabo, Sowerby, Hoadley, Hertel and LaGrand and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled
"The code of criminal procedure,"
by amending section 9c of chapter IV (MCL 764.9c), as amended by
2001 PA 208.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER IV

1
2 Sec. 9c. (1) Except as provided in subsection (3), if a police
3 officer has arrested a person without a warrant for a misdemeanor
4 or ordinance violation ~~for which the maximum permissible penalty~~
5 ~~does not exceed 93 days in jail or a fine, or both,~~ instead of
6 taking the person before a magistrate and promptly filing a
7 complaint as provided in section 13 of this chapter, the officer
8 may issue to and serve upon the person an appearance ticket as
9 defined in section 9f of this chapter and release the person from

1 custody.

2 (2) A public servant other than a police officer, who is
3 specially authorized by law or ordinance to issue and serve
4 appearance tickets with respect to a particular class of offenses
5 of less than felony grade, may issue and serve upon a person an
6 appearance ticket if the public servant has reasonable cause to
7 believe that the person has committed an offense.

8 (3) An appearance ticket ~~shall~~**MUST** not be issued to any of
9 the following:

10 (a) A person arrested for a violation of section 81 or 81a of
11 the Michigan penal code, 1931 PA 328, MCL 750.81 and 750.81a, or a
12 local ordinance substantially corresponding to section 81 of the
13 Michigan penal code, 1931 PA 328, MCL 750.81, if the victim of the
14 assault is the offender's spouse, former spouse, an individual who
15 has had a child in common with the offender, an individual who has
16 or has had a dating relationship with the offender, or an
17 individual residing or having resided in the same household as the
18 offender. As used in this subdivision, "dating relationship" means
19 frequent, intimate associations primarily characterized by the
20 expectation of affectional involvement. This term does not include
21 a casual relationship or an ordinary fraternization between 2
22 individuals in a business or social context.

23 (b) A person subject to detainment for violating a personal
24 protection order.

25 (c) A person subject to a mandatory period of confinement,
26 condition of bond, or other condition of release until he or she
27 has served that period of confinement or meets that requirement of

1 bond or other condition of release.

2 Enacting section 1. This amendatory act takes effect 90 days
3 after the date it is enacted into law.

4 Enacting section 2. This amendatory act does not take effect
5 unless Senate Bill No. ____ or House Bill No. 4355 (request no.
6 00774'19) of the 100th Legislature is enacted into law.