

The amendments in HB 4627 are unnecessary given the discretion already allowed officers under MCL 764.9c (5) and the general need to arrest drunk drivers to trigger the implied consent statute MCL 257.625a(6). But, the proposed amendments align with the Task Force's intent to reserve custodial arrests for public safety concerns and use citations in other cases.

MCL 764.9c(5) *The police officer may take the arrested person before a magistrate and promptly file a complaint as provided in section 13 of this chapter instead of issuing an appearance ticket as required under subsection (4) if 1 of the following circumstances is present:*

- (a) The arrested person refuses to follow the police officer's reasonable instructions.*
- (b) The arrested person will not offer satisfactory evidence of identification.*
- (c) There is a reasonable likelihood that the offense would continue or resume, or that another person or property would be endangered if the arrested person is released from custody.*
- (d) The arrested person presents an immediate danger to himself or herself or requires immediate medical examination or medical care.*
- (e) The arrested person requests to be taken immediately before a magistrate.*
- (f) Any other reason that the police officer may deem reasonable to arrest the person which must be articulated in the arrest report.*

MCL 257.625a(6) *The following provisions apply to chemical tests and analysis of a person's blood, urine, or breath, other than a preliminary chemical breath analysis:*

- (a) The amount of alcohol or presence of a controlled substance or other intoxicating substance in a driver's blood or urine or the amount of alcohol in a person's breath at the time alleged as shown by chemical analysis of the person's blood, urine, or breath is admissible into evidence in any civil or criminal proceeding and is presumed to be the same as at the time the person operated the vehicle.*
- (b) A person arrested for a crime described in section 625c(1) must be advised of all of the following:*
 - (i) If he or she takes a chemical test of his or her blood, urine, or breath administered at the request of a peace officer, he or she has the right to demand that a person of his or her own choosing administer 1 of the chemical tests.*
 - (ii) The results of the test are admissible in a judicial proceeding as provided under this act and will be considered with other admissible evidence in determining the defendant's innocence or guilt.*
 - (iii) He or she is responsible for obtaining a chemical analysis of a test sample obtained at his or her own request.*
 - (iv) If he or she refuses the request of a peace officer to take a test described in subparagraph (i), a test must not be given without a court order, but the peace officer may seek to obtain a court order.*
 - (v) Refusing a peace officer's request to take a test described in subparagraph (i) will result in the suspension of his or her operator's or chauffeur's license and vehicle group designation or operating privilege and in the addition of 6 points to his or her driver record.*