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| **No Insurance Civil Infraction vs. Misdemeanor**4 messages |

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| **Dave Heiss**<dheiss@calhouncountymi.gov> | Mon, Jul 18, 2016 at 11:02 AM |
| Reply-To: madcm@googlegroups.comTo: MADCM <madcm@googlegroups.com> |
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| This one might be old hat to some of you, but I'm still wondering about it.MCL 2575.328(1) indicates that an owner or operator " . . . who fails to have motor vehicle insurance as required under . . . . MCL 500.3101 to 500.3179, is responsible for a civil infraction."Yet MCL 500.3102 provides that the owner (or operator with knowledge) who operates and "does not have security in full force and effect is guilty of a misdemeanor."My guess is that either can be chosen by the Officer (and/or Prosecutor's Office).Any thoughts / experiences?Thanks in advance.-- You received this message because you are subscribed to the Google Groups "MADCM" group.To unsubscribe from this group and stop receiving emails from it, send an email to madcm+unsubscribe@googlegroups.com.To post to this group, send email to madcm@googlegroups.com.Visit this group at <https://groups.google.com/group/madcm>.For more options, visit <https://groups.google.com/d/optout>.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

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| **Anderson, Charles W., III**<Charles.Anderson@36thdistrictcourt.org> | Mon, Jul 18, 2016 at 11:27 AM |
| Reply-To: madcm@googlegroups.comTo: "madcm@googlegroups.com" <madcm@googlegroups.com> |
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| I have some officers who always write the Misdemeanor and I think they are just being mean when that happens to someone who just can’t find it, left it at home or gives them the wrong copy and now they have 2 court appearances in front of a judge.I don’t mind it for the Bozo who is suspended and is always getting pulled over for improper plates, unregistered vehicle and so on. **From:** madcm@googlegroups.com [mailto:madcm@googlegroups.com] **On Behalf Of**Dave Heiss**Sent:** Monday, July 18, 2016 11:02 AM**To:** MADCM <madcm@googlegroups.com>**Subject:** No Insurance Civil Infraction vs. Misdemeanor***This message and any attachments originated from a computer at the 36th District Court in the city of Detroit and are intended only for the use of the addressee(s) and may contain information that is privileged and confidential.  If the reader of the message is not the intended recipient or an authorized representative of the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited.  If you received this communication in error, notify the sender immediately by return email and delete the message and any attachments from your system.  Furthermore every effort has been taken to ensure protection against virus infection; we cannot accept any responsibility for viruses.  Consequently, please ensure that all attachments are virus checked prior to opening.*** |

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| **Milroy,Michael**<michael.milroy@kentcountymi.gov> | Mon, Jul 18, 2016 at 11:36 AM |
| Reply-To: madcm@googlegroups.comTo: "madcm@googlegroups.com" <madcm@googlegroups.com> |
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| Good Morning, First, always officer/prosecutor discretion on charges.  Once in a while an officer will place a misdemeanor charge of “no security” using MCL 500.3102 on the ticket.  Generally, the officer probably intended the civil infraction “no proof of insurance” under 257.328.  It is our practice that when the defendant appears for arraignment on the no security misdemeanor a plea of “not guilty” is entered and the matter is set for pretrial.  The primary reason is that the misdemeanor of “no security” under 500.3102 is punishable by up to 1 year in jail.  This charge should not be on a ticket but a complaint issued by the prosecutor.  We explain this to the defendant.  Typically, the matter is resolved with a dropping of the no security misdemeanor in favor of the no proof of insurance civil infraction at pretrial. Milroy63rd District Ct.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
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| **Tab Wedge**<wolft@stjosephcountymi.org> | Mon, Jul 18, 2016 at 11:41 AM |
| Reply-To: madcm@googlegroups.comTo: "madcm@googlegroups.com" <madcm@googlegroups.com> |
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| We don't allow an officer to write the No Insurance 500.3102 on a ticket without the Prosecutor filing a complaint as it carries a penalty of not more than 1 yr...we have several MSP officers who do write for the misdemeanor and they have to do a report and the Prosecutor files a formal complaint before the arraignment.  Several then get reduced to the civil infraction from the Pretrial status.  (Not to include the fingerprint requirement.) Tab Tabitha WedgeCt Adm/Magistrate3B District CourtCentrevilleTel:  269-467-5502Email:  wolft@stjosephcountymi.org |

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