**Appearance Tickets on High BAC/OWI with Pass U/16**

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| **Milroy,Michael <michael.milroy@kentcountymi.gov>** |

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Good Afternoon Dena,

The offenses you listed, High BAC and OWI w/Under 16 Passenger, carry potential imprisonment of 180 days and 1 year respectively.   I do not believe either offense can be brought to the court by an appearance ticket.  MCL 764.9a, provides the following:

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

I hope this helps.

Milroy

63rd

**From:** madcm@googlegroups.com [mailto:madcm@googlegroups.com] **On Behalf Of**Altheide, Dena
**Sent:** Monday, August 15, 2016 1:35 PM
**To:** 'madcm@googlegroups.com'
**Subject:** Appearance Tickets on High BAC/OWI with Pass U/16

Hi all –

It seems to me I remember something about using appearance tickets for either High Bac or OWI with Under 16 Passenger.   Can anybody remember which one it was?

Thanks -- Dena

Dena Altheide

Director of Court Operations

67th District Court

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| **Altheide, Dena DAltheide@co.genesee.mi.us**[**via**](https://support.google.com/mail/answer/1311182?hl=en)**googlegroups.com** |

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Thanks Mike – for some reason I was thinking they had made an exception for one of these.

Dena

Dena Altheide

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**From:** madcm@googlegroups.com [mailto:madcm@googlegroups.com] **On Behalf Of**Milroy,Michael
**Sent:** Monday, August 15, 2016 2:39 PM
**To:** madcm@googlegroups.com
**Subject:** RE: Appearance Tickets on High BAC/OWI with Pass U/16



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| **Michael J. Greer greerm@gladwinco.com**[**via**](https://support.google.com/mail/answer/1311182?hl=en)**googlegroups.com** |

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Maybe you were thinking about municipal ordinances, because I think they can amend their ordinance to cover high-bac as an ordinance violation rather than a state-law violation.  mjg

**From:** madcm@googlegroups.com [mailto:madcm@googlegroups.com] **On Behalf Of**Altheide, Dena
**Sent:** Monday, August 15, 2016 2:40 PM
**To:** 'madcm@googlegroups.com' <madcm@googlegroups.com>



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Maybe --

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**From:** madcm@googlegroups.com [mailto:madcm@googlegroups.com] **On Behalf Of**Michael J. Greer
**Sent:** Monday, August 15, 2016 3:05 PM



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| **Craig A. Hess** |

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I believe that a High BAC can be written as an ordinance but it would have to be on a complaint and warrant since it is over 93 days.

Craig A. Hess

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