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

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| |  | | --- | | **Milroy,Michael <michael.milroy@kentcountymi.gov>** | |  |  |  |
| |  | | --- | | to madcm  https://mail.google.com/mail/u/0/images/cleardot.gif | | | |

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) [mailto:[madcm@googlegroups.com](mailto:madcm@googlegroups.com" \t "_blank)] **On Behalf Of**Altheide, Dena  
**Sent:** Monday, August 15, 2016 1:35 PM  
**To:** '[madcm@googlegroups.com](mailto: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

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

Dena

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

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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

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Maybe --

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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.

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