



MICHIGAN STATE POLICE LEGAL UPDATE

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CRIMINAL LAW AND PROCEDURE MANUAL

The third edition of *Michigan Criminal Law and Procedure: A Manual for Michigan Police Officers* is now available for purchase in print and eBook formats.

The manual is published by Kendall Hunt Publishing Co. Copies may be [ordered online](#) or by calling Kendall Hunt Customer Service at (800) 228-0810.

CRIMINAL LAW

The Michigan Penal Code amended to repeal the crime of possession of a mechanical knife

[Public Act 96 of 2017](#) repealed [MCL 750.226a](#) of the Michigan Penal Code to eliminate the prohibition on possession of a knife solely because it has the appearance of a pocket knife, but can be opened by the flick of a button, pressure on a handle, or other mechanical contrivance.

Officers are reminded that unless exempt under [MCL 750.231](#), a person with a "mechanical knife" may still be arrested for carrying a concealed weapon pursuant to [MCL 750.227](#) if that knife could be classified as a "dagger, dirk, stiletto, or double edged non-folding stabbing instrument of any length." However, the fact that the knife is "mechanical" is irrelevant to that offense.

Officers are similarly reminded that a person with a "mechanical knife" may still be arrested for carrying a weapon with unlawful intent under [MCL 750.226](#) if that knife could be classified as a "dagger, dirk, razor, stiletto, or knife having a blade over three inches in length" and is carried with the intent to use it unlawfully against the person of another. However, the fact that the knife is "mechanical" is irrelevant to that offense.

VEHICLE CODE

The Michigan Vehicle Code amended to allow for the electronic display of motor vehicle registration

[Public Act 59 of 2017](#) amended [MCL 257.223](#) of the Michigan Vehicle Code to allow for the production of an electronic copy of a vehicle's registration certificate.

As amended [MCL 257.223](#) allows the person driving or in control of the vehicle to display an electronic copy of the registration certificate for that vehicle using an electronic device (e.g., cellphone, tablet) when requested to produce a registration certificate.

A person who displays a registration certificate to a police officer using an electronic device is not presumed to have consented to a search of the device, and the police officer is prohibited from manipulating the device to view any other information on the device.

A police officer may require the person to electronically forward the electronic copy of the registration certificate to a specified location provided by the police officer so the police officer may view it in a setting which is safer for the police officer to verify that the information contained in the registration certificate is valid and accurate.

The State of Michigan, a law enforcement agency, or an employee of the State of Michigan or a law enforcement agency is not liable for damage to or a loss of an electronic device that occurs as a result of a police officer's viewing an electronic copy of a registration certificate as provided in [MCL 257.223](#), regardless of whether the police officer or the owner or operator of the vehicle was in possession of the device at the time the damage or loss occurred.

A digital photograph of a valid registration certificate satisfies the requirements of [MCL 257.223](#).

The Michigan Vehicle Code amended to expand the requirements for leaving an unattended vehicle on a highway

[Public Act 61 of 2017](#) amended [MCL 257.676](#) of the Michigan Vehicle Code to require persons leaving unattended vehicles standing on a highway to do all of the following:

- Stop the vehicle
- Engage the parking brake or place the vehicle in park
- Remove and take possession of the ignition key
- If standing on a grade, turn the front wheels towards the curb or side of highway

Pursuant to [MCL 257.676](#), the above requirements do not apply to a vehicle that is standing in place and is equipped with a remote start feature that is engaged at the time. Violations of [MCL 257.676](#) are punishable as a civil infraction.

[Public Act 61 of 2017](#) rescinded Rule 28.1458 found in the Uniform Traffic Code (UTC) provisions of the Michigan Administrative Code which, if adopted by a city, township, or village, had prohibited leaving unattended vehicles "on any street or any other place." Officers should note that although R 28.1458 of the UTC was rescinded, it does not impact local ordinances previously adopted using the UTC as a model. Such ordinances authorizing enforcement in "any other place" may still have effect unless separately repealed by the local governing body that previously adopted the ordinance.

This update is published by the Michigan State Police, Office of the Director, Legal Resource and Education Unit and is provided for informational purposes only. Officers should contact their local prosecutor for an interpretation before applying the information contained in this update. Questions and comments may be directed to MSPLegal@michigan.gov. Past editions can be found at www.michigan.gov/msp-legal.