

Legislative Analysis



SEARCH OR ENTRY BY DEPARTMENT OF NATURAL RESOURCES

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<http://www.house.mi.gov/hfa>

House Bill 5540 as introduced
Sponsor: Rep. Beau Matthew LaFave
Committee: Judiciary
Complete to 3-13-20

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5540 would amend the Natural Resources and Environmental Protection Act to limit the circumstances under which certain employees of the Department of Natural Resources (DNR) could enter into or upon private property.

Specifically, the bill would prohibit an employee of the DNR from entering into or upon private property except under one of the following conditions:

- The owner or lessee of the property authorizes the entry.
- The employee is a peace officer or park and recreation officer acting under the authority of Part 16,¹ and one or more of the following apply:
 - The employee has a warrant issued by a court of competent jurisdiction authorizing the entry.
 - The employee reasonably believes that, if the employee delays to seek a warrant, evidence of a crime will be destroyed or concealed or an individual will be endangered.
 - The employee is in hot pursuit of a criminal suspect.

The bill would also amend provisions that currently allow a warrantless search or entry by a DNR officer under certain circumstances when he or she has probable cause to believe that a law is being violated, to make those provisions subject to the prohibition and exceptions described above.

MCL 325.1602 and proposed MCL 324.1507

FISCAL IMPACT:

House Bill 5540 is unlikely to affect costs or revenues for the Department of Natural Resources or local governments.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

¹ See <http://legislature.mi.gov/doc.aspx?mcl-324-1606>