

HOUSE BILL No. 4920

June 12, 1997, Introduced by Reps. Jelinek, Raczkowski, Brackenridge and Goschka and referred to the Committee on Conservation, Environment and Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 1606 (MCL 324.1606), as added by 1995 PA 60.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1606. (1) The department and conservation officers
2 appointed by the department are peace officers vested with all
3 the powers, privileges, prerogatives, and immunities conferred
4 upon peace officers by the general laws of this state; have the
5 same power to serve criminal process as sheriffs; have the same
6 right as sheriffs to require aid in executing process; and are
7 entitled to the same fees as sheriffs in performing those
8 duties.

9 (2) The department may commission ~~state~~ park AND
10 RECREATION ENFORCEMENT officers to enforce, ~~within the~~
11 ~~boundaries of the state parks~~ ON PROPERTY REGULATED UNDER PART

1 741 OR 781, rules promulgated by the department and any laws of
2 this state specified in those rules as enforceable by commis-
3 sioned ~~state~~ park AND RECREATION ENFORCEMENT officers. In per-
4 forming those enforcement activities, commissioned ~~state~~ park
5 AND RECREATION ENFORCEMENT officers are vested with the powers,
6 privileges, prerogatives, and immunities conferred upon peace
7 officers under the laws of this state. A PARK AND RECREATION
8 ENFORCEMENT OFFICER COMMISSIONED IN ACCORDANCE WITH THIS SUBSEC-
9 TION MAY ARREST AN INDIVIDUAL WITHOUT A WARRANT IF 1 OR MORE OF
10 THE FOLLOWING CIRCUMSTANCES EXIST:

11 (A) IN THE PRESENCE OF THE PARK AND RECREATION ENFORCEMENT
12 OFFICER, THE INDIVIDUAL COMMITS AN ASSAULT OR AN ASSAULT AND BAT-
13 TERY IN VIOLATION OF SECTION 81 OR 81A OF THE MICHIGAN PENAL
14 CODE, 1931 PA 328, MCL 750.81 AND 750.81A.

15 (B) THE PARK AND RECREATION ENFORCEMENT OFFICER HAS REASON-
16 ABLE CAUSE TO BELIEVE THAT A FELONY HAS BEEN COMMITTED AND REA-
17 SONABLE CAUSE TO BELIEVE THAT THE INDIVIDUAL HAS COMMITTED IT.

18 (C) THE PARK AND RECREATION ENFORCEMENT OFFICER HAS RECEIVED
19 AFFIRMATIVE WRITTEN OR VERBAL NOTICE FROM A LAW ENFORCEMENT OFFI-
20 CER OR AGENCY THAT A PEACE OFFICER POSSESSES A WARRANT FOR THE
21 INDIVIDUAL'S ARREST.

22 (D) THE PERSON VIOLATES SECTION 625(1) OR (3) OR 626 OF THE
23 MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.625 AND 257.626.

24 (E) THE PERSON VIOLATES PART 741, 811, OR 821 OR SECTION
25 80143(6) OR 80198B.

26 (3) A PARK AND RECREATION ENFORCEMENT OFFICER COMMISSIONED
27 UNDER SUBSECTION (2) MAY ISSUE A CIVIL INFRACTION CITATION TO AN

1 INDIVIDUAL WHO VIOLATES SECTION 611, 626B, OR 627 OF THE MICHIGAN
2 VEHICLE CODE, 1949 PA 300, MCL 257.611, 257.626B, AND 257.627.

3 (4) ~~-(3)-~~ If a conservation officer or a ~~state~~ park AND
4 RECREATION ENFORCEMENT officer commissioned ~~pursuant to~~ UNDER
5 subsection (2) arrests a person without warrant for a misdemeanor
6 committed in the officer's presence that is punishable by impris-
7 onment for not more than 90 days or a fine, or both, instead of
8 immediately bringing the person for arraignment by the court
9 having jurisdiction, the officer may issue to and serve upon the
10 person an appearance ticket as authorized by sections 9a to 9g of
11 chapter IV of the code of criminal procedure, ~~Act No. 175 of the~~
12 ~~Public Acts of 1927, being sections 764.9a to 764.9g of the~~
13 ~~Michigan Compiled Laws~~ 1927 PA 175, MCL 764.9A TO 764.9G.

14 (5) ~~-(4)-~~ An appearance pursuant to an appearance ticket may
15 be made in person, by representation, or by mail. If appearance
16 is made by representation or mail, a district judge, a municipal
17 judge, or a judge of recorder's court of Detroit may accept a
18 plea of guilty and payment of a fine and costs on or before the
19 definite court date indicated on the appearance ticket, or may
20 accept a plea of not guilty for purposes of arraignment, both
21 with the same effect as though the person personally appeared
22 before the court. If appearance is made by representation or
23 mail, a district court magistrate may accept a plea of guilty
24 upon an appearance ticket and payment of a fine and costs on or
25 before the definite court date indicated on the appearance ticket
26 for those offenses within the magistrate's jurisdiction, as
27 prescribed by section 8511 of the revised judicature act of 1961,

1 ~~Act No. 236 of the Public Acts of 1961, being section 600.8511~~
2 ~~of the Michigan Compiled Laws~~ 1961 PA 236, MCL 600.8511, or may
3 accept a plea of not guilty for purposes of arraignment, if
4 authorized to do so by the judge of the district court district,
5 with the same effect as though the person personally appeared
6 before the court. The court, by giving not less than 5 days'
7 notice of the date of appearance, may require appearance in
8 person at the place designated in the appearance ticket.

9 (6) ~~-(5)-~~ This section does not prevent the execution of a
10 warrant for the arrest of the person as in other cases of misde-
11 meanors if necessary.

12 (7) ~~-(6)-~~ If a person fails to appear, the court, in addi-
13 tion to the fine assessed if the person is found guilty for the
14 offense committed, may add to the fine and costs levied against
15 the person additional costs incurred in compelling the appearance
16 of the person, which additional costs shall be returned to the
17 general fund of the unit of government incurring the costs.

18 (8) ~~-(7)-~~ The department, in conjunction with the Michigan
19 state employees association of the American federation of state,
20 county, and municipal employees and the Michigan professional
21 employees society, shall study the feasibility of allowing
22 full-time employees of the department to perform the duties of
23 conservation officers under certain circumstances.