

PARK AND RECREATION OFFICERS: REVISE POWERS

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House Bill 4693 as introduced
Sponsor: Rep. Mike Mueller
Committee: Judiciary
Revised 6-17-19

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

SUMMARY:

House Bill 4393 would amend the Natural Resources and Environmental Protection Act (NREPA) to allow parks and recreation officers commissioned by the Department of Natural Resources (DNR) to enforce provisions of the new recreational marijuana law in state parks and forests and on state waterways. In addition, the bill would eliminate a provision that restricts to only minor offenses these officers' warrantless arrest powers on the state's waterways.

NREPA specifies that the DNR may commission park and recreation officers to enforce, on property regulated under Part 741 (State Parks Systems) or Part 781 (Michigan State Waterways), both DNR rules and orders and state laws that are specified in those rules as being enforceable by these officers. Generally, such violations are state civil infractions with civil fines of varying amounts. In performing these enforcement activities, the commissioned officers are vested with the powers, privileges, prerogatives, and immunities conferred on peace officers (e.g., arrest powers). The officers also have limited authority to arrest individuals without a warrant, as specified in NREPA.

Enforcement of new recreational marijuana laws

The bill would allow a commissioned park and recreation officer to also enforce—on property under DNR regulation in state parks (Part 741), state forests (Part 831), and state waterways (Part 781)—the Michigan Regulation and Taxation of Marihuana Act (the new voter initiated law legalizing recreational marijuana).

Expanded authority for offenses committed on waterways

Under NREPA, in addition to the limited arrest powers described above, a commissioned park and recreation officer may arrest an individual without a warrant for certain listed offenses (such as an assault and battery committed in the officer's presence or reasonable cause to believe that an individual committed a felony), but only in the state parks. For violations committed on the state's waterways, an officer's warrantless arrest authority is limited to offenses included on the list that are considered to be a *minor offense* and only if committed in the officer's presence. In addition, the officer is required to issue an appearance ticket for those arrests (meaning, the officer cannot take the individual into physical custody). (A *minor offense* is defined to mean a misdemeanor or ordinance violation for which the maximum allowable imprisonment does not exceed 92 days and the maximum allowable fine does not exceed \$1,000.)

The bill would eliminate this restriction and eliminate the provision requiring the officer to issue only an appearance ticket for a warrantless arrest. Therefore, under the bill, the warrantless arrest authority of a commissioned park and recreation officer would be the same for a violation committed on the state's waterways as it is for an offense committed in a state park.

MCL 324.1606

FISCAL IMPACT:

House Bill 4693 may increase costs for the DNR by expanding the scope of allowable enforcement actions. The elimination of certain restrictions on arrest powers and the addition of new enforcement responsibilities would give parks and recreation officers new latitude to address potential violations in state parks, campgrounds, and waterways. The bill does not appropriate additional funds, so the expanded responsibilities are likely to be borne by current appropriations. Parks and Recreation Division funding totals \$103.4 million and 948.4 FTE positions in FY 2018-19, including \$75.1 million and 703.8 FTE positions for state parks. State parks FTE positions are filled by full-time, part-time, and seasonal personnel. The bill is unlikely to affect departmental revenues or costs or revenues for local governments.

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