

SENATE BILL NO. 1161

October 01, 2020, Introduced by Senator VICTORY and referred to the Committee on Regulatory Reform.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 1606 (MCL 324.1606), as amended by 2000 PA 414.

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 the
3 powers, privileges, prerogatives, and immunities conferred upon
4 peace officers by the general laws of this state; have the same

1 power to serve criminal process as sheriffs; have the same right as
2 sheriffs to require aid in executing process; and are entitled to
3 the same fees as sheriffs in performing those duties.

4 (2) The department may commission park and recreation officers
5 to enforce, on property regulated under part 741 or 781, rules
6 promulgated by the department and orders issued by the department
7 that are authorized in those rules, including, but not limited to,
8 rules promulgated or orders issued under section 504, and any laws
9 of this state specified in those rules as enforceable by
10 commissioned park and recreation officers. In performing those
11 enforcement activities, commissioned park and recreation officers
12 are vested with the powers, privileges, prerogatives, and
13 immunities conferred upon peace officers under the laws of this
14 state. ~~However, a park and recreation officer enforcing rules,~~
15 ~~orders, or laws described in this subsection on property regulated~~
16 ~~under part 781 may arrest an individual only for a minor offense~~
17 ~~committed in the officer's presence and shall issue an appearance~~
18 ~~ticket as provided in subsection (6).~~

19 (3) In addition to the limited arrest authority granted in
20 subsection (2), on property regulated under part 741, a
21 commissioned park and recreation officer may arrest an individual
22 without a warrant if 1 or more of the following circumstances
23 exist:

24 (a) In the presence of the park and recreation officer, the
25 individual commits an assault or an assault and battery in
26 violation of section 81 or 81a of the Michigan penal code, 1931 PA
27 328, MCL 750.81 and 750.81a.

28 (b) The park and recreation officer has reasonable cause to
29 believe that a felony has been committed and reasonable cause to

1 believe that the individual has committed it.

2 (c) The park and recreation officer has received affirmative
3 written or verbal notice from a law enforcement officer or agency
4 that a peace officer possesses a warrant for the individual's
5 arrest.

6 (d) The person violates section 625(1), (3), or (6) or 626 of
7 the Michigan vehicle code, 1949 PA 300, MCL 257.625 and 257.626.

8 (e) The person violates part 741, 811, or 821 or section
9 80198b.

10 (f) The person violates section ~~11(7) or 19 of the personal~~
11 ~~watercraft safety act, 1998 PA 116, MCL 281.1411 and~~
12 ~~281.1419.~~ **80205(7) or 80209.**

13 (4) In addition to the limited arrest authority granted in
14 subsection (2), on property regulated under part 781, a
15 commissioned park and recreation officer may arrest an individual
16 without a warrant for ~~a minor~~ **an** offense listed in subsection (3)
17 committed in the officer's presence. ~~and shall issue an appearance~~
18 ~~ticket as provided in subsection (6).~~

19 (5) A commissioned park and recreation officer under
20 subsection (2) may issue a civil infraction citation to an
21 individual who violates section 626b or 627 of the Michigan vehicle
22 code, 1949 PA 300, MCL 257.626b and 257.627.

23 **(6) A commissioned park and recreation officer under**
24 **subsection (2) may enforce, on property regulated under parts 741,**
25 **781, and 831, the Michigan Regulation and Taxation of Marihuana**
26 **Act, 2018 IL 1, MCL 333.27951 to 333.27967.**

27 ~~(7) (6)~~ If a conservation officer or a park and recreation
28 officer commissioned under subsection (2) arrests a person without
29 warrant for a minor offense committed in the officer's presence,

1 instead of immediately bringing the person for arraignment by the
2 court having jurisdiction, the officer may issue to and serve upon
3 the person an appearance ticket as authorized by sections 9c to 9g
4 of chapter IV of the code of criminal procedure, 1927 PA 175, MCL
5 764.9c to 764.9g. ~~However, if a park and recreation officer~~
6 ~~commissioned under subsection (2) arrests a person without a~~
7 ~~warrant for a minor offense committed on property regulated under~~
8 ~~part 781 in the officer's presence, the park and recreation officer~~
9 ~~shall issue and serve upon the person such an appearance ticket.~~

10 (8) ~~(7)~~ An appearance pursuant to an appearance ticket may be
11 made in person, by representation, or by mail. If appearance is
12 made by representation or mail, a district judge or a municipal
13 judge may accept a plea of guilty and payment of a fine and costs
14 on or before the definite court date indicated on the appearance
15 ticket, or may accept a plea of not guilty for purposes of
16 arraignment, both with the same effect as though the person
17 personally appeared before the court. If appearance is made by
18 representation or mail, a district court magistrate may accept a
19 plea of guilty upon an appearance ticket and payment of a fine and
20 costs on or before the definite court date indicated on the
21 appearance ticket for ~~these~~ offenses within the magistrate's
22 jurisdiction, ~~as prescribed by~~ **under** section 8511 of the revised
23 judicature act of 1961, 1961 PA 236, MCL 600.8511, or may accept a
24 plea of not guilty for purposes of arraignment, if authorized to do
25 so by the judge of the district court district, with the same
26 effect as though the person personally appeared before the court.
27 The court, by giving not less than 5 days' notice of the date of
28 appearance, may require appearance in person at the place
29 designated in the appearance ticket.

1 (9) ~~(8)~~—This section does not ~~prevent~~**prohibit** the execution
2 of a warrant for the arrest of the person as in other cases of
3 misdemeanors if necessary.

4 (10) ~~(9)~~—If a person fails to appear, the court, in addition
5 to the fine assessed if the person is found guilty for the offense
6 committed, may add to the fine and costs levied against the person
7 additional costs incurred in compelling the appearance of the
8 person, which additional costs ~~shall~~**must** be returned to the
9 general fund of the unit of government incurring the costs.

10 (11) ~~(10)~~—As used in this section, "minor offense" means that
11 term as defined in section 1 of chapter I of the code of criminal
12 procedure, 1927 PA 175, MCL 761.1.