

SENATE BILL NO. 41

January 26, 2021, 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
5 power to serve criminal process as sheriffs; have the same right as

1 sheriffs to require aid in executing process; and are entitled to
2 the same fees as sheriffs in performing those duties.

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

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

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

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

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

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

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

10 (f) The ~~person~~**individual** violates section ~~11(7) or 19 of the~~
11 ~~personal 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~~**an**
29 **individual** without warrant for a minor offense committed in the

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

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

1 designated in the appearance ticket.

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

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

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