

Act No. 304  
Public Acts of 1993  
Approved by the Governor  
December 23, 1993  
Filed with the Secretary of State  
December 28, 1993

**STATE OF MICHIGAN  
87TH LEGISLATURE  
REGULAR SESSION OF 1993**

Introduced by Reps. Fitzgerald, Mathieu, Nye, Yokich, Curtis and Bandstra

# **ENROLLED HOUSE BILL No. 4913**

AN ACT to amend section 6 of Act No. 192 of the Public Acts of 1929, entitled as amended "An act to prescribe certain powers and duties of the director of conservation; to provide for the enforcement of the laws relative to the protection, propagation or preservation of wild birds, wild animals and fish; to provide for the enforcement of laws pertaining to the powers and duties of the director of conservation or the commission of conservation; to provide for the condemnation of property seized for violation of such statutes and laws; to declare as peace officers the director of the department of natural resources and any conservation officer appointed by him or her and to vest in the director and conservation officers all the powers, privileges, prerogatives, and immunities of peace officers under the general laws of the state; to provide for volunteer conservation officers and vest in them all the immunities of conservation officers under the general laws of the state; and to prescribe certain penalties," as amended by Act No. 179 of the Public Acts of 1986, being section 300.16 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. Section 6 of Act No. 192 of the Public Acts of 1929, as amended by Act No. 179 of the Public Acts of 1986, being section 300.16 of the Michigan Compiled Laws, is amended to read as follows:

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

(2) The director may commission state park officers to enforce within the boundaries of the state parks rules promulgated by the department pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.328 of the Michigan Compiled Laws, and any laws of this state specified in those rules as enforceable by commissioned state park officers. In performing those enforcement activities, commissioned state park officers are vested with the powers, privileges, prerogatives, and immunities conferred upon peace officers under the laws of this state.

(3) If a conservation officer or a state park officer commissioned pursuant to subsection (2) arrests a person without warrant for a misdemeanor committed in the officer's presence that is punishable by imprisonment for not more than 90 days or a fine, or both, instead of immediately bringing the person for arraignment by the court having jurisdiction, the officer may issue to and serve upon the person an appearance ticket, as authorized by sections 9a to 9g of chapter IV of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, as amended, being sections 764.9a to 764.9g of the Michigan Compiled Laws.

(4) An appearance pursuant to an appearance ticket may be made in person, by representation, or by mail. If appearance is made by representation or mail, a district judge, a municipal judge, or a judge of recorder's court of

Detroit, may accept a plea of guilty and payment of a fine and costs on or before the definite court date indicated on the appearance ticket, or may accept a plea of not guilty for purposes of arraignment, both with the same effect as though the person personally appeared before the court. If appearance is made by representation or mail, a district court magistrate may accept a plea of guilty upon an appearance ticket and payment of a fine and costs on or before the definite court date indicated on the appearance ticket for those offenses within the magistrate's jurisdiction, as prescribed by section 8511 of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, as amended, being section 600.8511 of the Michigan Compiled Laws, or may accept a plea of not guilty for purposes of arraignment, if authorized to do so by the judge of the district court district, with the same effect as though the person personally appeared before the court. The court, by giving not less than 5 days' notice of the date of appearance, may require appearance in person at the place designated in the appearance ticket.

(5) This section does not prevent the execution of a warrant for the arrest of the person as in other cases of misdemeanors if necessary.

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

(7) The director of the department of natural resources, in conjunction with the Michigan state employees association of the American federation of state, county, and municipal employees and the Michigan professional employees society, shall study the feasibility of allowing full-time employees of the department of natural resources to perform the duties of conservation officers under certain circumstances.

Section 2. This amendatory act shall not take effect unless all of the following bills of the 87th Legislature are enacted into law:

- (a) House Bill No. 4910.
- (b) House Bill No. 4909.
- (c) House Bill No. 4911.
- (d) House Bill No. 4912.

This act is ordered to take immediate effect.

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Co-Clerk of the House of Representatives.

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Secretary of the Senate.

Approved -----

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Governor.