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## CONSERVATION OFFICERS: POWER TO ARREST WITHOUT A WARRANT

**House Bill 4388**

**Sponsor: Rep. Ron Jelinek**

**Committee: Conservation and Outdoor  
Recreation**

**Complete to 3-10-00**

### A SUMMARY OF HOUSE BILL 4388 AS INTRODUCED 3-9-99

Part 16 of the Natural Resources and Environmental Protection Act (NREPA) (MCL 324.1606), concerns the enforcement of laws protecting wild birds, wild animals and fish. The act specifies that the Department of Natural Resources (DNR) may commission state park officers to enforce within the boundaries of state parks both DNR rules and state laws that are specified in those rules as being enforceable by these officers. House Bill 4388 would amend the act to refer, instead, to “park and recreation officers,” and to extend the officers’ jurisdiction to state waterways. The bill would also permit a park and recreation officer to issue a civil infraction citation to an individual who violated Sections 611, 626b, or 627 of the vehicle code (MCL 257.611, 257.626b, or 257.627), which refer to obeying traffic control devices, careless or negligent driving, and obeying speed limits, respectively. Further, the bill would specify that a park and recreation officer could place an individual under arrest, without first obtaining a warrant, under one or more of the following circumstances:

- If the individual, in the officer’s presence, committed an assault or an assault and battery, in violation of Sections 81 or 81a of the penal code (MCL 750.81 and 750.81a), which refer to assault, assault and battery, and assault and infliction of serious injury.
- If the officer had reasonable cause to believe that a felony had been committed, and reasonable cause to believe that the individual had committed it.
- If the officer had received affirmative written or verbal notice from a law enforcement officer of agency that a peace officer had a warrant for the individual’s arrest.
- If the individual violated Sections 625(1) or (3) or Section 626 of the vehicle code (MCL 257.625 and 257.626), which refer to driving under the influence (DUI), allowing another person to operate one’s vehicle, and reckless driving, respectively.
- If the individual violated Parts 741 (MCL 324.74101 - 324.74125), 811 (MCL 324.81101 - 324.81150), or 821 (MCL 324.82101 - 324.82160) of the NREPA, which refer to state parks, off-road recreation vehicles, and snowmobiles, respectively, or Section 80198b of the NREPA, which refers to swimming on public beaches.

House Bill 4388 (3-10-00)

- If the individual violated Sections 11(7) or 19 of the Personal Watercraft Safety Act (281.1141 and 281.1419), which refer to the operation of personal watercraft and personal floatation devices, and the maintenance of personal watercraft at a designated distance from shorelines or other areas.

In addition, the bill would delete an obsolete reference to the Detroit recorder's court.

Analyst: R. Young

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.