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SFA

BILL ANALYSIS

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House Bill 4388 (Substitute H-2 as passed by the House)
Sponsor: Representative Ron Jelinek
House Committee: Conservation and Outdoor Recreation
Senate Committee: Natural Resources and Environmental Affairs

Date Completed: 11-28-00

CONTENT

The bill would amend Part 16 (Enforcement of Laws for Protection of Wild Birds, Wild Animals, and Fish) of the Natural Resources and Environmental Protection Act (NREPA) to revise the warrantless arrest authority of commissioned park and recreation officers. In general, the bill would extend the warrantless arrest authority to “minor offenses” committed on State waterways; require the issuance of an appearance ticket for those offenses; and include personal watercraft and snowmobile offenses among those for which an officer may make a warrantless arrest on State park property.

Currently, park and recreation officers may be commissioned to enforce, within State park boundaries, rules promulgated by the Department of Natural Resources (DNR), and any State laws specified in those rules. The bill provides, instead, that commissioned park and recreation officers could enforce, on property regulated under Part 741 (State parks) or Part 781 (State waterways), rules promulgated by the DNR, orders issued by the DNR that were authorized in those rules, and any State laws specified in those rules.

Under the NREPA, in performing these enforcement activities, park and recreation officers are vested with the powers, privileges, prerogatives, and immunities conferred upon peace officers under the laws of the State. The bill would retain this provision, but specifies that, on property regulated under Part 781, a commissioned park and recreation officer could arrest an individual without a warrant only for a “minor offense” committed in the officer’s presence. (“Minor offense” would mean that term as defined in the Code of Criminal Procedure, i.e., a misdemeanor or ordinance violation for which the maximum permissible imprisonment does not exceed 92 days, and the maximum permissible fine does not exceed \$1,000.)

Currently, if a conservation officer or a commissioned park officer arrests a person without a warrant for a misdemeanor committed in the officer’s presence that is punishable by imprisonment for up to 90 days and/or a fine, the officer may issue an appearance ticket to the person, instead of bringing the person for arraignment in court. The bill provides, instead, that if a conservation officer or a commissioned park and recreation officer arrested a person without a warrant for a minor offense committed in the officer’s presence, the officer could issue an appearance ticket on State park property, and would have to issue an appearance ticket on State waterways property.

The bill also would repeal a section that authorizes park and recreation officers to make warrantless arrests for certain offenses committed on State park property (MCL 324.74124), but would include those provisions in Part 16. In addition to the offenses currently listed (e.g., assault and battery, a felony, and drunk driving), the bill would authorize commissioned park and recreation officers to arrest a person without a warrant on State park property for violating provisions governing the operation of personal watercraft and personal flotation devices, and the maintenance of personal watercraft at a designed distance from shorelines or other areas under the Personal Watercraft Safety Act; or for violating Part 821 (Snowmobiles) of the NREPA.

MCL 324.1606 et al.

Legislative Analyst: N. Nagata

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: P. Graham

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.