

HB 4388, As Passed Senate, December 14, 2000

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4388**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 1606 (MCL 324.1606), as added by 1995 PA 60;
and to repeal acts and parts of acts.

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
3 the powers, privileges, prerogatives, and immunities conferred
4 upon peace officers by the general laws of this state; have the
5 same power to serve criminal process as sheriffs; have the same
6 right as sheriffs to require aid in executing process; and are
7 entitled to the same fees as sheriffs in performing those
8 duties.

9 (2) The department may commission ~~state~~ park AND
10 RECREATION officers to enforce, ~~within the boundaries of the~~

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1 ~~state parks~~ ON PROPERTY REGULATED UNDER PART 741 OR 781, rules
2 promulgated by the department AND ORDERS ISSUED BY THE DEPARTMENT
3 THAT ARE AUTHORIZED IN THOSE RULES, INCLUDING, BUT NOT LIMITED
4 TO, RULES PROMULGATED OR ORDERS ISSUED UNDER SECTION 504, and any
5 laws of this state specified in those rules as enforceable by
6 commissioned ~~state~~ park AND RECREATION officers. In performing
7 those enforcement activities, commissioned ~~state~~ park AND
8 RECREATION officers are vested with the powers, privileges, pre-
9 rogatives, and immunities conferred upon peace officers under the
10 laws of this state. HOWEVER, A PARK AND RECREATION OFFICER
11 ENFORCING RULES, ORDERS, OR LAWS DESCRIBED IN THIS SUBSECTION ON
12 PROPERTY REGULATED UNDER PART 781 MAY ARREST AN INDIVIDUAL ONLY
13 FOR A MINOR OFFENSE COMMITTED IN THE OFFICER'S PRESENCE AND SHALL
14 ISSUE AN APPEARANCE TICKET AS PROVIDED IN SUBSECTION (6).

15 (3) IN ADDITION TO THE LIMITED ARREST AUTHORITY GRANTED IN
16 SUBSECTION (2), ON PROPERTY REGULATED UNDER PART 741, A COMMIS-
17 SIONED PARK AND RECREATION OFFICER MAY ARREST AN INDIVIDUAL WITH-
18 OUT A WARRANT IF 1 OR MORE OF THE FOLLOWING CIRCUMSTANCES EXIST:

19 (A) IN THE PRESENCE OF THE PARK AND RECREATION OFFICER, THE
20 INDIVIDUAL COMMITS AN ASSAULT OR AN ASSAULT AND BATTERY IN VIOLA-
21 TION OF SECTION 81 OR 81A OF THE MICHIGAN PENAL CODE, 1931
22 PA 328, MCL 750.81 AND 750.81A.

23 (B) THE PARK AND RECREATION OFFICER HAS REASONABLE CAUSE TO
24 BELIEVE THAT A FELONY HAS BEEN COMMITTED AND REASONABLE CAUSE TO
25 BELIEVE THAT THE INDIVIDUAL HAS COMMITTED IT.

26 (C) THE PARK AND RECREATION OFFICER HAS RECEIVED AFFIRMATIVE
27 WRITTEN OR VERBAL NOTICE FROM A LAW ENFORCEMENT OFFICER OR AGENCY

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1 THAT A PEACE OFFICER POSSESSES A WARRANT FOR THE INDIVIDUAL'S
2 ARREST.

3 (D) THE PERSON VIOLATES SECTION 625(1), (3), OR (6) OR 626
4 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.625 AND
5 257.626.

6 (E) THE PERSON VIOLATES PART 741, 811, OR 821 OR SECTION
7 80198B.

8 (F) THE PERSON VIOLATES SECTION 11(7) OR 19 OF THE PERSONAL
9 WATERCRAFT SAFETY ACT, 1998 PA 116, MCL 281.1411 AND 281.1419.

10 (4) IN ADDITION TO THE LIMITED ARREST AUTHORITY GRANTED IN
11 SUBSECTION (2), ON PROPERTY REGULATED UNDER PART 781, A COMMIS-
12 SIONED PARK AND RECREATION OFFICER MAY ARREST AN INDIVIDUAL WITH-
13 OUT A WARRANT FOR A MINOR OFFENSE LISTED IN SUBSECTION (3) COM-
14 MITTED IN THE OFFICER'S PRESENCE AND SHALL ISSUE AN APPEARANCE
15 TICKET AS PROVIDED IN SUBSECTION (6).

16 (5) A COMMISSIONED PARK AND RECREATION OFFICER UNDER SUBSEC-
17 TION (2) MAY ISSUE A CIVIL INFRACTION CITATION TO AN INDIVIDUAL
18 WHO VIOLATES SECTION 626B OR 627 OF THE MICHIGAN VEHICLE CODE,
19 1949 PA 300, MCL 257.626B AND 257.627.

20 (6) ~~(3)~~ If a conservation officer or a ~~state~~ park AND
21 RECREATION officer commissioned ~~pursuant to~~ UNDER subsection
22 (2) arrests a person without warrant for a ~~misdemeanor~~ MINOR
23 OFFENSE committed in the officer's presence, ~~that is punishable~~
24 ~~by imprisonment for not more than 90 days or a fine, or both,~~
25 instead of immediately bringing the person for arraignment by the
26 court having jurisdiction, the officer may issue to and serve
27 upon the person an appearance ticket as authorized by sections

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1 ~~9a~~ 9C to 9g of chapter IV of the code of criminal procedure,
2 ~~Act No. 175 of the Public Acts of 1927, being sections 764.9a to~~
3 ~~764.9g of the Michigan Compiled Laws 1927 PA 175, MCL 764.9C TO~~
4 764.9G. HOWEVER, IF A PARK AND RECREATION OFFICER COMMISSIONED
5 UNDER SUBSECTION (2) ARRESTS A PERSON WITHOUT A WARRANT FOR A
6 MINOR OFFENSE COMMITTED ON PROPERTY REGULATED UNDER PART 781 IN
7 THE OFFICER'S PRESENCE, THE PARK AND RECREATION OFFICER SHALL
8 ISSUE AND SERVE UPON THE PERSON SUCH AN APPEARANCE TICKET.

9 (7) ~~(4)~~ An appearance pursuant to an appearance ticket may
10 be made in person, by representation, or by mail. If appearance
11 is made by representation or mail, a district judge ~~,~~ OR a
12 municipal judge ~~,~~ ~~or a judge of recorder's court of Detroit~~ may
13 accept a plea of guilty and payment of a fine and costs on or
14 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 per-
17 sonally appeared before the court. If appearance is made by rep-
18 resentation or mail, a district court magistrate may accept a
19 plea of guilty upon an appearance ticket and payment of a fine
20 and costs on or before the definite court date indicated on the
21 appearance ticket for those offenses within the magistrate's
22 jurisdiction, as prescribed by section 8511 of the revised judi-
23 cature act of 1961, ~~Act No. 236 of the Public Acts of 1961,~~
24 ~~being section 600.8511 of the Michigan Compiled Laws 1961~~
25 PA 236, MCL 600.8511, or may accept a plea of not guilty for pur-
26 poses of arraignment, if authorized to do so by the judge of the
27 district court district, with the same effect as though the

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1 person personally appeared before the court. The court, by
2 giving not less than 5 days' notice of the date of appearance,
3 may require appearance in person at the place designated in the
4 appearance ticket.

5 (8) ~~(5)~~ This section does not prevent the execution of a
6 warrant for the arrest of the person as in other cases of misde-
7 meanors if necessary.

8 (9) ~~(6)~~ If a person fails to appear, the court, in addi-
9 tion to the fine assessed if the person is found guilty for the
10 offense committed, may add to the fine and costs levied against
11 the person additional costs incurred in compelling the appearance
12 of the person, which additional costs shall be returned to the
13 general fund of the unit of government incurring the costs.

14 ~~(7) The department, in conjunction with the Michigan state~~
15 ~~employees association of the American federation of state,~~
16 ~~county, and municipal employees and the Michigan professional~~
17 ~~employees society, shall study the feasibility of allowing~~
18 ~~full-time employees of the department to perform the duties of~~
19 ~~conservation officers under certain circumstances.~~

20 (10) AS USED IN THIS SECTION, "MINOR OFFENSE" MEANS THAT
21 TERM AS DEFINED IN SECTION 1 OF CHAPTER I OF THE CODE OF CRIMINAL
22 PROCEDURE, 1927 PA 175, MCL 761.1.

23 Enacting section 1. Section 74124 of the natural resources
24 and environmental protection act, 1994 PA 451, MCL 324.74124, is
25 repealed.