



**House  
Legislative  
Analysis  
Section**

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**MISDEMEANOR ARRESTS: FINGERPRINTING**

**House Bill 4194 (Substitute H-1)**  
**First Analysis (4-19-89)**

**Sponsor: Rep. Richard Bandstra**  
**Committee: Judiciary**

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***THE APPARENT PROBLEM:***

Public Act 289 of 1925 requires that someone arrested for a misdemeanor for which the maximum penalty exceeds 92 days in jail or a fine of \$500, or both, be fingerprinted immediately upon arrest. According to the Department of Natural Resources, this requirement has become a difficulty for conservation officers, who make their arrests in the field. Increases in poaching penalties over the past few years have brought their statutory maximums up to where the fingerprinting requirement applies. To avoid having to take fingerprints in the field, or having to process arrests many miles from where a poacher is apprehended, conservation officers seek amendments to the law that will in most cases relieve them of the requirement to take fingerprints.

***THE CONTENT OF THE BILL:***

The bill would amend Public Act 289 of 1925 to limit the fingerprinting requirement for misdemeanor arrests to misdemeanors for which the maximum penalty exceeded a fine of \$1,000, 92 days in jail, or both. At present, the fingerprinting is mandatory when maximums are a \$500 fine, 92 days in jail, or both.

MCL 28.243

***FISCAL IMPLICATIONS:***

Fiscal information is not available at present. (4-19-89)

***ARGUMENTS:***

***For:***

The bill would relieve conservation officers, as well as other law enforcement officers, of the requirement to take fingerprints when making arrests for misdemeanors punishable by maximum fines of less than \$1,000. Conservation officers often make their arrests late at night, on weekends, or in remote areas, and a requirement to take fingerprints is burdensome, especially when many of the offenses in question do not necessarily warrant the taking of prints. Under the bill, fingerprinting would still be mandatory for the more serious offenses, but at the law enforcement agency's discretion for relatively minor offenses.

***POSITIONS:***

The Department of State Police supports the bill. (4-18-89)

A representative of the Department of Natural Resources testified in support of the bill. (4-18-89)

The Prosecuting Attorneys Association of Michigan has no objection to the bill. (4-18-89)

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