

Act No. 231
Public Acts of 1996
Approved by the Governor
June 4, 1996
Filed with the Secretary of State
June 5, 1996

STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996

Introduced by Reps. Geiger, Cropsey, McNutt, DeMars, Bush, Ryan, Perricone, LeTarte, Green, Owen, Tesanovich, Agee and Prusi

ENROLLED HOUSE BILL No. 5608

AN ACT to amend sections 2 and 3 of Act No. 80 of the Public Acts of 1905, entitled as amended "An act to authorize and empower certain state departments, and the board of control, board of trustees or governing board of certain state institutions, or the governing body of a municipal corporation, to make, prescribe and enforce rules and regulations for the care, order and preservation of buildings or property dedicated and appropriated to the public use and the conduct of those coming upon the property thereof; to prescribe penalties for a violation thereof and to repeal all acts or parts of acts inconsistent with the provisions of this act," being sections 19.142 and 19.143 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Sections 2 and 3 of Act No. 80 of the Public Acts of 1905, being sections 19.142 and 19.143 of the Michigan Compiled Laws, are amended to read as follows:

Sec. 2. (1) A person shall not do any of the following with respect to property that is dedicated or appropriated to public use and is within the control or under the jurisdiction of a board or department prescribed in section 1:

- (a) Willfully cut, peel, or otherwise injure or destroy a tree or shrub standing on the property.
- (b) Carry, draw, leave, or deposit within or upon the property any filth, rubbish, or garbage.
- (c) Efface a mark or inscription on the property, or mutilate or destroy a building, machine, or appliance, fence, or hedge on the property.
- (d) Enter, hunt, or trespass upon the property, or skate upon, or fish, in a pond, brook, or stream, the use of which is forbidden to the general public, and relative to which there are signs or notices prohibiting this conduct.
- (e) Conduct himself or herself in a disorderly manner upon the premises or annoy, harass, assault, or disturb an inmate or person cared for or under the control of the board or department having jurisdiction.
- (f) Unlock or open a gate, window, or door or enter a room, hall, ward, or yard or other portion of an institution in which inmates or persons are detained under state control without authority or permission.
- (g) Create, cause, or attempt to create a disturbance or openly and willfully refuse to conform to a rule or regulation prescribed by a board or department.

(2) A person who performs an act prohibited by subsection (1) is guilty of a misdemeanor punishable by imprisonment for not less than 10 days or more than 60 days or a fine of not more than \$50.00, or both.

(3) A trespass upon a state correctional facility is governed by section 552b of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being section 750.552b of the Michigan Compiled Laws. As used in this subsection, "state correctional facility" means a facility or institution that houses a prisoner population under the jurisdiction of the department of corrections. State correctional facility does not include a community corrections center or a community residential home.

Sec. 3. (1) A person appointed or chosen by a board or department set forth in section 1 to act as a superintendent, watchperson, or guard has the general authority of a deputy sheriff, relative to the arrest and custody of an offender against a rule prescribed by the appointing board or department, and may arrest without warrant a person found violating a rule which is prescribed by that board or department relative to trespasses upon property, good order, the preservation of property, or the mutilation or destruction or injury to property. Such an appointee shall make a complaint against an offender of this act, or a rule of the appointing board or department, before that court in which a prosecution for a misdemeanor may be initiated.

(2) The warrantless arrest of a person for a trespass upon a state correctional facility by a person described in subsection (1) is limited to those persons authorized under section 23a of chapter IV of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being section 764.23a of the Michigan Compiled Laws. As used in this subsection, "state correctional facility" means a facility or institution that houses a prisoner population under the jurisdiction of the department of corrections. State correctional facility does not include a community corrections center or a community residential home.

Section 2. This amendatory act shall take effect January 1, 1997.

Section 3. This amendatory act shall not take effect unless all of the following bills of the 88th Legislature are enacted into law:

(a) House Bill No. 5607.

(b) House Bill No. 5609.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.