



# HOUSE BILL No. 5608

February 20, 1996, Introduced by Reps. Geiger, Cropsey, McNutt, DeMars, Bush, Ryan, Perricone, LeTarte, Green, Owen, Tesanovich, Agee and Prusi and referred to the Committee on Judiciary and Civil Rights.

A bill 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:**

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

4 Sec. 2. (1) A person shall not do any of the following with  
5 respect to property ~~which~~ THAT is dedicated or appropriated to

1 public use and is within the control or under the jurisdiction of  
2 a board or department prescribed in section 1:

3 (a) ~~Wilfully~~ WILLFULLY cut, peel, or otherwise injure or  
4 destroy a tree or shrub standing on the property.

5 (b) Carry, draw, leave, or deposit within or upon the prop-  
6 erty any filth, rubbish, or garbage.

7 (c) Efface a mark or inscription on the property, or muti-  
8 late or destroy a building, machine, or appliance, fence, or  
9 hedge on the property.

10 (d) Enter, hunt, or trespass upon the property, or skate  
11 upon, or fish, in a pond, brook, or stream, the use of which is  
12 forbidden to the general public, and relative to which there are  
13 signs or notices prohibiting this conduct.

14 (e) Conduct himself OR HERSELF in a disorderly manner upon  
15 the premises or annoy, harass, assault, or disturb an inmate or  
16 person cared for or under the control of the board or department  
17 having jurisdiction.

18 (f) Unlock or open a gate, window, or door or enter a room,  
19 hall, ward, or yard or other portion of an institution in which  
20 inmates or persons are detained under state control without  
21 authority or permission.

22 (g) Create, cause, or attempt to create a disturbance or  
23 openly and ~~wilfully~~ WILLFULLY refuse to conform to a rule or  
24 regulation prescribed by a board or department.

25 (2) A person who performs an act prohibited by subsection  
26 (1) is guilty of a misdemeanor ~~, and upon conviction~~ punishable

1 by imprisonment for not less than 10 days ~~not~~ OR more than 60  
2 days ~~—~~ or a fine of not more than \$50.00, or both.

3 (3) A TRESPASS UPON A STATE CORRECTIONAL FACILITY IS GOV-  
4 ERNED BY SECTION 552B OF THE MICHIGAN PENAL CODE, ACT NO. 328 OF  
5 THE PUBLIC ACTS OF 1931, BEING SECTION 750.552B OF THE MICHIGAN  
6 COMPILED LAWS. AS USED IN THIS SUBSECTION, "STATE CORRECTIONAL  
7 FACILITY" MEANS A FACILITY OR INSTITUTION THAT HOUSES A PRISONER  
8 POPULATION UNDER THE JURISDICTION OF THE DEPARTMENT OF  
9 CORRECTIONS. STATE CORRECTIONAL FACILITY DOES NOT INCLUDE A COM-  
10 MUNITY CORRECTIONS CENTER OR A COMMUNITY RESIDENTIAL HOME.

11 Sec. 3. (1) A person appointed or chosen by a board or  
12 department set forth in section 1 to act as a superintendent,  
13 watchperson, or guard ~~shall have~~ HAS the general authority of a  
14 deputy sheriff, relative to the arrest and custody of an offender  
15 against a rule prescribed by the appointing board or department,  
16 and may arrest without warrant a person found violating a rule  
17 which is prescribed by that board or department relative to tres-  
18 passes upon property, good order, the preservation of property,  
19 or the mutilation or destruction or injury to property. Such an  
20 appointee shall make a complaint against an offender of this act,  
21 or a rule of the appointing board or department, before that  
22 court in which a prosecution for a misdemeanor may be initiated.

23 (2) THE WARRANTLESS ARREST OF A PERSON FOR A TRESPASS UPON A  
24 STATE CORRECTIONAL FACILITY BY A PERSON DESCRIBED IN  
25 SUBSECTION (1) IS LIMITED TO THOSE PERSONS AUTHORIZED UNDER SEC-  
26 TION 23A OF CHAPTER IV OF THE CODE OF CRIMINAL PROCEDURE, ACT  
27 NO. 175 OF THE PUBLIC ACTS OF 1927, BEING SECTION 764.23A OF THE

1 MICHIGAN COMPILED LAWS. AS USED IN THIS SUBSECTION, "STATE  
2 CORRECTIONAL FACILITY" MEANS A FACILITY OR INSTITUTION THAT  
3 HOUSES A PRISONER POPULATION UNDER THE JURISDICTION OF THE  
4 DEPARTMENT OF CORRECTIONS. STATE CORRECTIONAL FACILITY DOES NOT  
5 INCLUDE A COMMUNITY CORRECTIONS CENTER OR A COMMUNITY RESIDENTIAL  
6 HOME.

7 Section 2. This amendatory act shall not take effect unless  
8 all of the following bills of the 88th Legislature are enacted  
9 into law:

10 (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 5609 (request  
11 no. 04768'95 \*).

12 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 5607 (request  
13 no. 04768'95 b \*).