

# HOUSE BILL No. 4388

March 9, 1999, Introduced by Reps. Jelinek, LaSata, Kuipers, Ehardt, Richner and Scranton and referred to the Committee on Conservation and Outdoor Recreation.

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.

## 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~~  
11 ~~state parks~~ ON PROPERTY REGULATED UNDER PART 741 OR 781, rules

1 promulgated by the department and any laws of this state  
2 specified in those rules as enforceable by commissioned ~~state~~  
3 park AND RECREATION officers. In performing those enforcement  
4 activities, commissioned ~~state~~ park AND RECREATION officers are  
5 vested with the powers, privileges, prerogatives, and immunities  
6 conferred upon peace officers under the laws of this state. A  
7 PARK AND RECREATION OFFICER COMMISSIONED IN ACCORDANCE WITH THIS  
8 SUBSECTION MAY ARREST AN INDIVIDUAL WITHOUT A WARRANT IF 1 OR  
9 MORE OF THE FOLLOWING CIRCUMSTANCES EXIST:

10 (A) IN THE PRESENCE OF THE PARK AND RECREATION OFFICER, THE  
11 INDIVIDUAL COMMITS AN ASSAULT OR AN ASSAULT AND BATTERY IN VIOLA-  
12 TION OF SECTION 81 OR 81A OF THE MICHIGAN PENAL CODE, 1931 PA  
13 328, MCL 750.81 AND 750.81A.

14 (B) THE PARK AND RECREATION OFFICER HAS REASONABLE CAUSE TO  
15 BELIEVE THAT A FELONY HAS BEEN COMMITTED AND REASONABLE CAUSE TO  
16 BELIEVE THAT THE INDIVIDUAL HAS COMMITTED IT.

17 (C) THE PARK AND RECREATION OFFICER HAS RECEIVED AFFIRMATIVE  
18 WRITTEN OR VERBAL NOTICE FROM A LAW ENFORCEMENT OFFICER OR AGENCY  
19 THAT A PEACE OFFICER POSSESSES A WARRANT FOR THE INDIVIDUAL'S  
20 ARREST.

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

23 (E) THE PERSON VIOLATES PART 741, 811, OR 821 OR SECTION  
24 80198B.

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

1 (3) A PARK AND RECREATION OFFICER COMMISSIONED UNDER  
2 SUBSECTION (2) MAY ISSUE A CIVIL INFRACTION CITATION TO AN  
3 INDIVIDUAL WHO VIOLATES SECTION 611, 626B, OR 627 OF THE MICHIGAN  
4 VEHICLE CODE, 1949 PA 300, MCL 257.611, 257.626B, AND 257.627.

5 (4) ~~(3)~~ If a conservation officer or a ~~state~~ park AND  
6 RECREATION officer commissioned ~~pursuant to~~ UNDER subsection  
7 (2) arrests a person without warrant for a misdemeanor committed  
8 in the officer's presence that is punishable by imprisonment for  
9 not more than 90 days or a fine, or both, instead of immediately  
10 bringing the person for arraignment by the court having jurisdic-  
11 tion, the officer may issue to and serve upon the person an  
12 appearance ticket as authorized by sections 9a to 9g of chapter  
13 IV of the code of criminal procedure, ~~Act No. 175 of the Public~~  
14 ~~Acts of 1927, being sections 764.9a to 764.9g of the Michigan~~  
15 ~~Compiled Laws~~ 1927 PA 175, MCL 764.9A TO 764.9G.

16 (5) ~~(4)~~ An appearance pursuant to an appearance ticket may  
17 be made in person, by representation, or by mail. If appearance  
18 is made by representation or mail, a district judge ~~,~~ OR a  
19 municipal judge ~~,~~ ~~or a judge of recorder's court of Detroit~~ may  
20 accept a plea of guilty and payment of a fine and costs on or  
21 before the definite court date indicated on the appearance  
22 ticket, or may accept a plea of not guilty for purposes of  
23 arraignment, both with the same effect as though the person per-  
24 sonally appeared before the court. If appearance is made by rep-  
25 resentation or mail, a district court magistrate may accept a  
26 plea of guilty upon an appearance ticket and payment of a fine  
27 and costs on or before the definite court date indicated on the

1 appearance ticket for those offenses within the magistrate's  
2 jurisdiction, as prescribed by section 8511 of the revised judi-  
3 cature act of 1961, ~~Act No. 236 of the Public Acts of 1961,~~  
4 ~~being section 600.8511 of the Michigan Compiled Laws~~ 1961 PA  
5 236, MCL 600.8511, or may accept a plea of not guilty for pur-  
6 poses of arraignment, if authorized to do so by the judge of the  
7 district court district, with the same effect as though the  
8 person personally appeared before the court. The court, by  
9 giving not less than 5 days' notice of the date of appearance,  
10 may require appearance in person at the place designated in the  
11 appearance ticket.

12 (6) ~~(5)~~ This section does not prevent the execution of a  
13 warrant for the arrest of the person as in other cases of misde-  
14 meanors if necessary.

15 (7) ~~(6)~~ If a person fails to appear, the court, in addi-  
16 tion to the fine assessed if the person is found guilty for the  
17 offense committed, may add to the fine and costs levied against  
18 the person additional costs incurred in compelling the appearance  
19 of the person, which additional costs shall be returned to the  
20 general fund of the unit of government incurring the costs.

21 (8) ~~(7)~~ The department, in conjunction with the Michigan  
22 state employees association of the American federation of state,  
23 county, and municipal employees and the Michigan professional  
24 employees society, shall study the feasibility of allowing  
25 full-time employees of the department to perform the duties of  
26 conservation officers under certain circumstances.