

**SENATE BILL NO. 323**

February 18, 1999, Introduced by Senator JAYE and referred to the Committee on Natural Resources and Environmental Affairs.

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~~ EXCEPT AS PROVIDED IN SUBSECTION (8),  
2 THE department and conservation officers appointed by the depart-  
3 ment are peace officers vested with all the powers, privileges,  
4 prerogatives, and immunities conferred upon peace officers by the  
5 general laws of this state; have the same power to serve criminal  
6 process as sheriffs; have the same right as sheriffs to require  
7 aid in executing process; and are entitled to the same fees as  
8 sheriffs in performing those duties.

9       (2) The department may commission state park officers to  
10 enforce within the boundaries of the state parks rules  
11 promulgated by the department and any laws of this state

1 specified in those rules as enforceable by commissioned state  
2 park officers. In performing those enforcement activities, com-  
3 missioned state park officers are vested with the powers, privi-  
4 leges, prerogatives, and immunities conferred upon peace officers  
5 under the laws of this state.

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

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

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

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

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

21 (7) The department, in conjunction with the Michigan state  
22 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.

1           (8) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, A  
2 CONSERVATION OFFICER APPOINTED UNDER SUBSECTION (1) SHALL HAVE 3  
3 YEARS OF HUNTING AND FISHING EXPERIENCE BEFORE HE OR SHE ENFORCES  
4 A LAW THAT REGULATES THE TAKING OF FISH OR GAME.