

Legislative Analysis



CRITERIA FOR INVESTIGATORY STOPS OF MOVING VESSELS

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House Bill 5110

Sponsor: Rep. Richard LeBlanc

Committee: Natural Resources, Tourism, and Outdoor Recreation

Complete to 10-24-11

A SUMMARY OF HOUSE BILL 5110 AS INTRODUCED 10-19-11

The bill would amend Section 80166 of the Natural Resources and Environmental Protection Act to modify the criteria for investigatory stops of moving vessels by peace officers.

Currently, Section 80166 requires the operator of a moving vessel to immediately stop or maneuver the vessel in a way that permits a peace officer to come aboard upon the direction of a peace officer acting in a lawful manner. Upon request, the operator must (1) provide his or her correct name and address, (2) exhibit the certificate of number awarded for the vessel, (3) and submit to a reasonable inspection of the vessel, and test of the equipment if the vessel does not bear a safety check decal, as provided in Section 80166a.

Except to inspect the number and adequacy of personal flotation devices, a peace officer cannot stop and inspect a vessel unless the officer has a reasonable suspicion the vessel is in violation of a marine law. House Bill 5110 would instead specify that a vessel cannot be stopped unless the officer has a reasonable **and articulable** suspicion the vessel is violating a marine law or is **otherwise engaged in criminal activity** (new language in bold). The bill would also allow a peace officer that observes the commission of a crime to immediately arrest the person without a warrant or issue a written or verbal warning. Additionally, the bill would remove the provision allowing a vessel to be stopped to inspect the number and adequacy of personal flotation devices.

MCL 324.80166

FISCAL IMPACT:

By making the criteria for investigatory stops of a moving vessel somewhat more stringent, the bill could theoretically reduce the number of such stops and thus also reduce the number of citations issued for misdemeanors under state law or local ordinance or civil infractions under state rules. To the extent that this happens in actual practice, civil fine revenue generated from violations on watercraft could be reduced, as would any local incarceration costs that result from more serious offenses. However, no information is available to evaluate the extent to which investigatory stops would be reduced.

The bill would have no significant fiscal impact on the Department of Natural Resources.

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