

# Legislative Analysis



## CRITERIA FOR INVESTIGATORY STOPS OF MOVING VESSELS

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**House Bill 5110 (Substitute H-1)**

**Sponsor: Rep. Richard LeBlanc**

**Committee: Natural Resources, Tourism, and Outdoor Recreation**

**Complete to 11-10-11**

## A SUMMARY OF HOUSE BILL 5110 AS REPORTED FROM COMMITTEE

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 strike out the underlined language that allows a vessel to be stopped to inspect the number and adequacy of personal flotation devices. The bill would instead specify that a vessel cannot be stopped unless the office has a reasonable 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 a marine law violation **or the commission of a crime** to immediately arrest the person without a warrant or issue a written or verbal warning.

[The bill is a reintroduction of House Bill 5590 of 2009.]

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.

**POSITIONS:**

The Michigan Department of Natural Resources supports the bill. (10-25-11)

The Deputy Sheriff's Association of Michigan supports the bill. (10-25-11)

The Michigan Boating Industries Association supports the bill. (11-1-11)

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