

HOUSE BILL NO. 6066

May 03, 2022, Introduced by Reps. LaFave, Borton, Bezotte, Markkanen, O'Malley, Bellino, Steven Johnson, Griffin, Allor and Yaroch and referred to the Committee on Judiciary.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 1602 (MCL 324.1602), as added by 1995 PA 60.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1602. (1) The department, or an officer appointed by the
2 department, may file a complaint and commence proceedings against
3 any person for a violation of any of the laws or statutes described
4 in section 1601 ~~, without~~ **only with** the sanction of the prosecuting
5 attorney of the county in which the proceedings are commenced. In

1 such a case, the officer is not obliged to furnish security for
2 costs. ~~The department, or an officer appointed by the department,~~
3 ~~may appear for the people in any court of competent jurisdiction in~~
4 ~~any cases for violation of any of the statutes or laws described in~~
5 ~~section 1601, may prosecute the cases in the same manner and with~~
6 ~~the same authority as the prosecuting attorney of any county in~~
7 ~~which the proceedings are commenced, and may sign vouchers for the~~
8 ~~payment of jurors' or witnesses' fees in those cases in the same~~
9 ~~manner and with the same authority as prosecuting attorneys in~~
10 ~~criminal cases. Whenever~~

11 (2) If an officer appointed by the department has probable
12 cause to believe that any of the statutes or laws ~~mentioned~~
13 **described** in section 1601 have been or are being violated by any
14 particular person, the officer has the power to search, without
15 warrant, any boat, conveyance, vehicle, automobile, fish box, fish
16 basket, game bag, game coat, or any other receptacle or place,
17 except dwellings or dwelling houses, or within the curtilage of any
18 dwelling house, in which nets, hunting or fishing apparatuses or
19 appliances, wild birds, wild animals, or fish may be possessed,
20 kept, or carried by the person, and an officer appointed by the
21 department may enter into or upon any private or public property
22 for that purpose or for the purpose of patrolling, investigating,
23 or examining ~~when-if~~ he or she has probable cause ~~for believing to~~
24 **believe** that any of the statutes or laws described in section 1601
25 have been or are being violated on that property. ~~The~~ **As used in**
26 **this part, the** term "private property" ~~as used in this part~~ does
27 not include dwellings or dwelling houses or that which is within
28 the curtilage of any dwelling house.

29 (3) An officer appointed by the department shall at any and

1 all times seize and take possession of any and all nets, hunting or
2 fishing apparatuses or appliances, or other property, wild birds,
3 wild animals, or fish, or any part or parts thereof, ~~which~~**that**
4 have been caught, taken, killed, shipped, or had in possession or
5 under control, at a time, in a manner, or for a purpose, contrary
6 to any of the statutes or laws described in section 1601, and the
7 seizure may be made without a warrant. A common carrier is not
8 responsible for damages or otherwise to any owner, shipper, or
9 consignee by reason of any such seizure.

10 **(4)** ~~When~~**If** a complaint is made on oath to any magistrate
11 authorized to issue warrants in criminal cases that any wild birds,
12 wild animals, or fish, any part or parts of wild birds, wild
13 animals, or fish, or any nets, hunting or fishing apparatuses or
14 appliances, or other property have been or are being killed, taken,
15 caught, had in possession or under control, or shipped, contrary to
16 the statutes or laws described in section 1601, and ~~that~~**the**
17 complainant believes the property to be stored, kept, or concealed
18 in any particular house or place, the magistrate, if he or she is
19 satisfied that there is probable cause for the belief, shall issue
20 a warrant to search for the property. The warrant ~~shall~~**must** be
21 directed to the department, or an officer appointed by the
22 department, or to any other peace officer. All wild birds, wild
23 animals, fish, nets, boats, fishing or hunting appliances or
24 apparatuses, or automobiles or other property of any kind seized by
25 an officer ~~shall~~**must** be turned over to the department to be held
26 by the department subject to the order of the court as provided in
27 this part.

28 **(5)** ~~(2)~~ For the purposes of this part, "probable cause" or
29 "probable cause to believe" is present on the part of a peace

1 officer if there are facts that would induce ~~any~~**a** fair-minded
2 person of average intelligence and judgment to believe that a law
3 or statute had been violated or was being violated contrary to any
4 of the statutes or laws described in section 1601.

5 Enacting section 1. This amendatory act takes effect 90 days
6 after the date it is enacted into law.