

Law enforcement; peace officers; conservation officer; require certain amount of years of experience hunting and fishing.

LAW ENFORCEMENT: Peace officers; STATE: Employees and officers;
STATE AGENCIES (EXISTING): Natural resources

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 1606 (MCL 324.1606), as amended by 2000 PA
414.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1606. (1) ~~The~~ EXCEPT AS PROVIDED IN SUBSECTION (11),
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 park and recreation
10 officers to enforce, on property regulated under part 741 or 781,

1 rules promulgated by the department and orders issued by the
2 department that are authorized in those rules, including, but not
3 limited to, rules promulgated or orders issued under section 504,
4 and any laws of this state specified in those rules as enforce-
5 able by commissioned park and recreation officers. In performing
6 those enforcement activities, commissioned park and recreation
7 officers are vested with the powers, privileges, prerogatives,
8 and immunities conferred upon peace officers under the laws of
9 this state. However, a park and recreation officer enforcing
10 rules, orders, or laws described in this subsection on property
11 regulated under part 781 may arrest an individual only for a
12 minor offense committed in the officer's presence and shall issue
13 an appearance ticket as provided in subsection (6).

14 (3) In addition to the limited arrest authority granted in
15 subsection (2), on property regulated under part 741, a commis-
16 sioned park and recreation officer may arrest an individual with-
17 out a warrant if 1 or more of the following circumstances exist:

18 (a) In the presence of the park and recreation officer, the
19 individual commits an assault or an assault and battery in viola-
20 tion of section 81 or 81a of the Michigan penal code, 1931
21 PA 328, MCL 750.81 and 750.81a.

22 (b) The park and recreation officer has reasonable cause to
23 believe that a felony has been committed and reasonable cause to
24 believe that the individual has committed it.

25 (c) The park and recreation officer has received affirmative
26 written or verbal notice from a law enforcement officer or agency

1 that a peace officer possesses a warrant for the individual's
2 arrest.

3 (d) The person violates section 625(1), (3), or (6) or 626
4 of the Michigan vehicle code, 1949 PA 300, MCL 257.625 and
5 257.626.

6 (e) The person violates part 741, 811, or 821 or section
7 80198b.

8 (f) The person violates section 11(7) or 19 of the personal
9 watercraft safety act, 1998 PA 116, MCL 281.1411 and 281.1419.

10 (4) In addition to the limited arrest authority granted in
11 subsection (2), on property regulated under part 781, a commis-
12 sioned park and recreation officer may arrest an individual with-
13 out a warrant for a minor offense listed in subsection (3) com-
14 mitted in the officer's presence and shall issue an appearance
15 ticket as provided in subsection (6).

16 (5) A commissioned park and recreation officer under subsec-
17 tion (2) may issue a civil infraction citation to an individual
18 who violates section 626b or 627 of the Michigan vehicle code,
19 1949 PA 300, MCL 257.626b and 257.627.

20 (6) If a conservation officer or a park and recreation offi-
21 cer commissioned under subsection (2) arrests a person without
22 warrant for a minor offense committed in the officer's presence,
23 instead of immediately bringing the person for arraignment by the
24 court having jurisdiction, the officer may issue to and serve
25 upon the person an appearance ticket as authorized by sections 9c
26 to 9g of chapter IV of the code of criminal procedure, 1927
27 PA 175, MCL 764.9c to 764.9g. However, if a park and recreation

1 officer commissioned under subsection (2) arrests a person
2 without a warrant for a minor offense committed on property regu-
3 lated under part 781 in the officer's presence, the park and rec-
4 reation officer shall issue and serve upon the person such an
5 appearance ticket.

6 (7) An appearance pursuant to an appearance ticket may be
7 made in person, by representation, or by mail. If appearance is
8 made by representation or mail, a district judge or a municipal
9 judge may accept a plea of guilty and payment of a fine and costs
10 on or before the definite court date indicated on the appearance
11 ticket, or may accept a plea of not guilty for purposes of
12 arraignment, both with the same effect as though the person per-
13 sonally appeared before the court. If appearance is made by rep-
14 resentation or mail, a district court magistrate may accept a
15 plea of guilty upon an appearance ticket and payment of a fine
16 and costs on or before the definite court date indicated on the
17 appearance ticket for those offenses within the magistrate's
18 jurisdiction, as prescribed by section 8511 of the revised judi-
19 cature act of 1961, 1961 PA 236, MCL 600.8511, or may accept a
20 plea of not guilty for purposes of arraignment, if authorized to
21 do so by the judge of the district court district, with the same
22 effect as though the person personally appeared before the
23 court. The court, by giving not less than 5 days' notice of the
24 date of appearance, may require appearance in person at the place
25 designated in the appearance ticket.

1 (8) This section does not prevent the execution of a warrant
2 for the arrest of the person as in other cases of misdemeanors if
3 necessary.

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

10 (10) As used in this section, "minor offense" means that
11 term as defined in section 1 of chapter I of the code of criminal
12 procedure, 1927 PA 175, MCL 761.1.

13 (11) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, A CON-
14 SERVATION OFFICER APPOINT UNDER SUBSECTION (1) SHALL HAVE 3 YEARS
15 OF HUNTING AND FISHING EXPERIENCE BEFORE HE OR SHE ENFORCES A LAW
16 THAT REGULATES THE TAKING OF FISH OR GAME.