

[No. 414]

(HB 4388)

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending section 1606 (MCL 324.1606), as added by 1995 PA 60; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

324.1606 Department and conservation officer or peace officer; powers and duties; beer; park and recreation officers; enforcement of rules, orders, and laws; powers, privileges, and immunities; arrest powers; issuance of civil infraction citation; appearances; "minor offense" defined. [M.S.A. 13A.1606]

Sec. 1606. (1) The department and conservation officers appointed by the department are peace officers vested with all the powers, privileges, prerogatives, and immunities conferred upon peace officers by the general laws of this state; have the same power to serve criminal process as sheriffs; have the same right as sheriffs to require aid in executing process; and are entitled to the same fees as sheriffs in performing those duties.

(2) The department may commission park and recreation officers to enforce, on property regulated under part 741 or 781, rules promulgated by the department and orders issued by the department that are authorized in those rules, including, but not limited to, rules promulgated or orders issued under section 504, and any laws of this state specified in those rules as enforceable by commissioned park and recreation officers. In performing those enforcement activities, commissioned park and recreation officers are vested with the powers, privileges, prerogatives, and immunities conferred upon peace officers under the laws of this state. However, a park and recreation officer enforcing rules, orders, or laws described in this subsection on property regulated under part 781 may arrest an individual only for a minor offense committed in the officer's presence and shall issue an appearance ticket as provided in subsection (6).

(3) In addition to the limited arrest authority granted in subsection (2), on property regulated under part 741, a commissioned park and recreation officer may arrest an individual without a warrant if 1 or more of the following circumstances exist:

(a) In the presence of the park and recreation officer, the individual commits an assault or an assault and battery in violation of section 81 or 81a of the Michigan penal code, 1931 PA 328, MCL 750.81 and 750.81a.

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

(c) The park and recreation officer has received affirmative written or verbal notice from a law enforcement officer or agency that a peace officer possesses a warrant for the individual's arrest.

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

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

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

(4) In addition to the limited arrest authority granted in subsection (2), on property regulated under part 781, a commissioned park and recreation officer may arrest an individual without a warrant for a minor offense listed in subsection (3) committed in the officer's presence and shall issue an appearance ticket as provided in subsection (6).

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

(6) If a conservation officer or a park and recreation officer commissioned under subsection (2) arrests a person without warrant for a minor offense committed in the officer's presence, instead of immediately bringing the person for arraignment by the court having jurisdiction, the officer may issue to and serve upon the person an appearance ticket as authorized by sections 9c to 9g of chapter IV of the code of criminal procedure, 1927 PA 175, MCL 764.9c to 764.9g. However, if a park and recreation officer commissioned under subsection (2) arrests a person without a warrant for a minor offense committed on property regulated under part 781 in the officer's presence, the park and recreation officer shall issue and serve upon the person such an appearance ticket.

(7) An appearance pursuant to an appearance ticket may be made in person, by representation, or by mail. If appearance is made by representation or mail, a district judge or a municipal judge may accept a plea of guilty and payment of a fine and costs on or before the definite court date indicated on the appearance ticket, or may accept a plea of not guilty for purposes of arraignment, both with the same effect as though the person personally appeared before the court. If appearance is made by representation or mail, a district court magistrate may accept a plea of guilty upon an appearance ticket and payment of a fine and costs on or before the definite court date indicated on the appearance ticket for those offenses within the magistrate's jurisdiction, as prescribed by section 8511 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8511, or may accept a plea of not guilty for purposes of arraignment, if authorized to do so by the judge of the district court district, with the same effect as though the person personally appeared before the court. The court, by giving not less than 5 days' notice of the date of appearance, may require appearance in person at the place designated in the appearance ticket.

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

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

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

Repeal of § 324.74124.

Enacting section 1. Section 74124 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.74124, is repealed.

Approved January 8, 2001.

Filed with Secretary of State January 8, 2001.
