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BILL ANALYSIS

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House Bill 5110 (Substitute H-1 as passed by the House)

Sponsor: Representative Richard LeBlanc

House Committee: Natural Resources, Tourism, and Outdoor Recreation

Senate Committee: Outdoor Recreation and Tourism

Date Completed: 1-26-12

CONTENT

The bill would amend Part 801 (Marine Safety) of the Natural Resources and Environmental Protection Act to revise the conditions under which a peace officer may stop and inspect a vessel bearing a safety check decal, and to authorize a peace officer who observed the commission of a crime involving such a vessel or its operator to make an immediate arrest or issue a warning.

Under Part 801, upon the direction of a peace officer, the operator of a vessel immediately must bring the vessel to a stop or maneuver it in a manner that permits the peace officer to come beside it. Upon the peace officer's request, if the vessel does not bear a decal described in Section 80166a or an equivalent decal issued by or on behalf of another state, the operator must submit to a reasonable inspection of the vessel and to a reasonable inspection and test of its equipment.

(Under Section 80166a, the Department of Natural Resources (DNR) may enter into an agreement with the U.S. Coast Guard or Coast Guard Auxiliary, or an organization sponsored by the Coast Guard or Auxiliary, to provide for safety checks of a vessel or its equipment. The agreement must require the Coast Guard, Coast Guard Auxiliary, or sponsored organization to give the DNR enough vessel safety check decals for conservation officers and counties that participate in the marine safety program. When an inspection of a vessel or its equipment has been completed by a peace officer, the U.S. Coast Guard, Coast Guard Auxiliary, or sponsored organization, the peace officer or person performing the inspection must affix the decal to the vessel.)

Except for inspection of a vessel to determine the number and adequacy of personal flotation devices (PFDs) onboard, a peace officer may not stop and inspect a vessel bearing the safety check decal during the period it remains in effect unless he or she has a reasonable suspicion that the vessel or its operator is in violation of a marine law. The bill would eliminate the exception for a PFD inspection. Under the bill, a peace officer could stop and inspect the vessel upon a reasonable suspicion that the vessel or its operator was in violation of a marine law or was otherwise engaged in criminal activity.

A peace officer who observes a marine law violation immediately may arrest the person without a warrant or issue a written or verbal warning. Under the bill, this also would apply to a peace officer who observed the commission of a crime.

FISCAL IMPACT

The bill would have an indeterminate, but likely negligible, fiscal impact on State and local government. By striking the language that allows peace officers to stop a vessel with the sole intent of doing a personal flotation device inspection, the bill could result in fewer inspections and therefore fewer misdemeanor convictions. Such an impact would result in lower fine revenue for public libraries, and also lower incarceration costs at local jails; however, any impact is likely to be small and vessel operators could still be stopped and inspected if they exhibited behavior that indicated a possible violation of marine law or other criminal activity.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.