

# HOUSE BILL No. 6056

May 11, 2006, Introduced by Reps. Walker, Stahl, Meyer and Nitz and referred to the Committee on Conservation, Forestry, and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 1606 and 83107 (MCL 324.1606 and 324.83107), section 1606 as amended by 2000 PA 414 and section 83107 as added by 1998 PA 418.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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

1 the same fees as sheriffs in performing those duties.

2 (2) The department may commission park and recreation officers  
3 to enforce, on property regulated under part 741 or 781, rules  
4 promulgated by the department and orders issued by the department  
5 that are authorized in those rules, including, but not limited to,  
6 rules promulgated or orders issued under section 504, ~~and~~ any  
7 laws of this state specified in those rules as enforceable by  
8 commissioned park and recreation officers, **AND QUARANTINE ORDERS,**  
9 **REGULATIONS, OR RULES ISSUED OR PROMULGATED UNDER THE INSECT PEST**  
10 **AND PLANT DISEASE ACT, 1931 PA 189, MCL 286.201 TO 286.228, OR 1945**  
11 **PA 72, MCL 286.251 TO 286.260.** In performing those enforcement  
12 activities, commissioned park and recreation officers are vested  
13 with the powers, privileges, prerogatives, and immunities conferred  
14 upon peace officers under the laws of this state. However, a park  
15 and recreation officer enforcing rules, orders, or laws described  
16 in this subsection on property regulated under part 781 may arrest  
17 an individual only for a minor offense committed in the officer's  
18 presence and shall issue an appearance ticket as provided in  
19 subsection (6).

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

25 (a) In the presence of the park and recreation officer, the  
26 individual commits an assault or an assault and battery in  
27 violation of section 81 or 81a of the Michigan penal code, 1931 PA

1 328, MCL 750.81 and 750.81a.

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

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

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

11 (e) The person violates part 741, 811, or 821 or section  
12 80198b, **80205(8), OR 80209.**

13 ~~(f) The person violates section 11(7) or 19 of the personal~~  
14 ~~watercraft safety act, 1998 PA 116, MCL 281.1411 and 281.1419. **THE**~~  
15 **PERSON VIOLATES A QUARANTINE ORDER, REGULATION, OR RULE ISSUED OR**  
16 **PROMULGATED UNDER THE INSECT PEST AND PLANT DISEASE ACT, 1931 PA**  
17 **189, MCL 286.201 TO 286.228, OR 1945 PA 72, MCL 286.251 TO 286.260.**

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

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

1 REGULATION, OR RULE ISSUED OR PROMULGATED UNDER THE INSECT PEST AND  
2 PLANT DISEASE ACT, 1931 PA 189, MCL 286.201 TO 286.228, OR 1945 PA  
3 72, MCL 286.251 TO 286.260.

4 (6) If a conservation officer or a **COMMISSIONED** park and  
5 recreation officer ~~commissioned under subsection (2)~~ arrests a  
6 person without warrant for a minor offense committed in the  
7 officer's presence, instead of immediately bringing the person for  
8 arraignment by the court having jurisdiction, the officer may issue  
9 to and serve upon the person an appearance ticket as authorized by  
10 sections 9c to 9g of chapter IV of the code of criminal procedure,  
11 1927 PA 175, MCL 764.9c to 764.9g. However, if a **COMMISSIONED** park  
12 and recreation officer ~~commissioned under subsection (2)~~ arrests  
13 a person without a warrant for a minor offense committed on  
14 property regulated under part 781 in the officer's presence, the  
15 park and recreation officer shall issue and serve upon the person  
16 such an appearance ticket.

17 (7) An appearance pursuant to an appearance ticket may be made  
18 in person, by representation, or by mail. If appearance is made by  
19 representation or mail, a district judge or a municipal judge may  
20 accept a plea of guilty and payment of a fine and costs on or  
21 before the definite court date indicated on the appearance ticket,  
22 or may accept a plea of not guilty for purposes of arraignment,  
23 both with the same effect as though the person personally appeared  
24 before the court. If appearance is made by representation or mail,  
25 a district court magistrate may accept a plea of guilty upon an  
26 appearance ticket and payment of a fine and costs on or before the  
27 definite court date indicated on the appearance ticket for those

1 offenses within the magistrate's jurisdiction, as prescribed by  
2 section 8511 of the revised judicature act of 1961, 1961 PA 236,  
3 MCL 600.8511, or may accept a plea of not guilty for purposes of  
4 arraignment, if authorized to do so by the judge of the district  
5 court district, with the same effect as though the person  
6 personally appeared before the court. The court, by giving not less  
7 than 5 days' notice of the date of appearance, may require  
8 appearance in person at the place designated in the appearance  
9 ticket.

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

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

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

22 Sec. 83107. ~~To ensure compliance with~~ **THE DIRECTOR MAY**  
23 **COMMISSION STATE FOREST OFFICERS TO ENFORCE, ON PROPERTY**  
24 **ADMINISTERED BY THE DEPARTMENT, ORDERS OF THE DIRECTOR,** this part,  
25 rules promulgated under this part and this act, ~~including the~~  
26 ~~state land use rules provided in R 299.331 to R 299.335 of the~~  
27 ~~Michigan administrative code, and any orders of the director, the~~

1 ~~director may commission state forest officers to enforce upon~~  
2 ~~properties administered by the department these rules and~~ any laws  
3 of this state specified in those rules as enforceable by  
4 commissioned state forest officers, **AND QUARANTINE ORDERS,**  
5 **REGULATIONS, OR RULES ISSUED OR PROMULGATED UNDER THE INSECT PEST**  
6 **AND PLANT DISEASE ACT, 1931 PA 189, MCL 286.201 TO 286.228, OR 1945**  
7 **PA 72, MCL 286.251 TO 286.260.** In performing those enforcement  
8 activities, commissioned state forest officers are vested with the  
9 powers, privileges, prerogatives, and immunities conferred upon  
10 peace officers under the laws of this state.