

# Legislative Analysis



## REQUIRE CONSERVATION OFFICERS TO WEAR BODY CAMERAS

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**House Bill 4969 as reported from committee**  
**Sponsor: Rep. Beau Matthew LaFave**  
**Committee: Military, Veterans and Homeland Security**  
**Complete to 1-25-22**

Analysis available at  
<http://www.legislature.mi.gov>

**BRIEF SUMMARY:** House Bill 4969 would amend 1986 PA 109, which prescribes certain powers and duties of conservation officers, to require conservation officers to wear a body-worn camera while exercising their duties as conservation officers.

**FISCAL IMPACT:** House Bill 4969 does not provide the Department of Natural Resources (DNR) with funding for the body-worn cameras mandated by the bill; consequently, the bill may result in increased equipment costs for the department. The extent of this potential cost increase is unclear and likely to vary with the specific camera or cameras deployed for use by conservation officers. Existing appropriations may cover these costs in the absence of dedicated funding; the department's General Law Enforcement appropriation is \$45.8 million Gross for FY 2021-22. The bill is unlikely to directly affect department revenues or costs or revenues for local governments.

### **THE APPARENT PROBLEM:**

1985 PA 109 governs conservation officers and specifies that conservation officers must be appointed by the director of the DNR and be trained and certified as peace officers under the Michigan Commission on Law Enforcement Standards (MCOLES) Act. Sheriffs and Michigan State Police officers are also trained and certified under MCOLES.

While conservation officers have the same power as sheriffs to serve criminal process and to require aid in executing criminal process, they can encounter vastly different scenarios while on duty, ranging from poaching investigations to enforcing snowmobiling, off-road vehicle, and watercraft regulations. Further, conservation officers also take part in multi-agency operations, patrols, and training exercises with the U.S. Coast Guard, Michigan State Police, county sheriff departments, city police departments, U.S. Customs, Border Patrol, and Fish and Wildlife Service, and tribal agencies.<sup>1</sup> Some believe that because the Michigan State Police utilizes body-worn cameras, conservation officers also should utilize body-worn cameras while performing their duties.

### **THE CONTENT OF THE BILL:**

Beginning on the effective date of the bill, a conservation officer would be required to wear a **body-worn camera** while exercising his or her duties as a conservation officer. The

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<sup>1</sup> [https://www.michigan.gov/dnr/0,4570,7-350-79136\\_79772\\_81097---,00.html](https://www.michigan.gov/dnr/0,4570,7-350-79136_79772_81097---,00.html).

disclosure of an audio or video recording recorded by the camera would be subject to the Law Enforcement Body-Worn Camera Privacy Act.<sup>2</sup>

***Body-worn camera*** would mean a device that is worn by a law enforcement officer that electronically records audio and video of his or her activities.<sup>3</sup>

Proposed MCL 300.21a

## ***ARGUMENTS:***

### ***For:***

Supporters of the bill argue that the Michigan State Police already use body-worn cameras, and that usage has not only improved police trainings and public interactions, but also improved officer safety, and that requiring conservation officers to also use body-worn cameras could similarly improve conservation officer trainings, public interactions, and conservation officer safety.

### ***Against:***

Critics of the bill argue that there is no funding to provide conservation officers with body-worn cameras. Conservation officers are part of the Department of Natural Resources, which receives separate funding from the Department of State Police. Critics argue that body-worn cameras are expensive and there is no specific legislation to provide an appropriation to the DNR for the purchase of the equipment or storage of the video.

## ***POSITIONS:***

The following entities indicated opposition to the bill (10-5-21):

- Department of Natural Resources
- Michigan Sheriff's Association

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.

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<sup>2</sup> <https://www.legislature.mi.gov/documents/mcl/pdf/mcl-Act-85-of-2017.pdf>

<sup>3</sup> Defined in the Law Enforcement Body-Worn Camera Privacy Act: <http://legislature.mi.gov/doc.aspx?mcl-780-312>