



**House
Legislative
Analysis
Section**

Manufacturer's Bank Building, 12th Floor
Lansing, Michigan 48909
Phone: 517/373-6466

MAGISTRATE JURISDICTION OVER WILDLIFE

House Bill 5888 as introduced
First Analysis (6-21-90)

OCT 08 1990

Mich. State Law Library

Sponsor: Rep. William Van Regenmorter
Committee: Conservation, Recreation & Environment

H.B. 5888 (6-21-90)

THE APPARENT PROBLEM:

The Revised Judicature Act has historically allowed district court magistrates to arraign and sentence offenders who violate the state's Game Law. The magistrates may exercise this authority when authorized by the chief judge of the district court and as long as the maximum permissible punishment for a violation did not exceed 90 days in jail or a fine, or both. However, when the Game Law was recodified and renamed the Wildlife Conservation Act by Public Act 256 of 1988, an obsolete reference to the Game Law was not deleted in the Revised Judicature Act. Although MCL 8.3u states that "if any provision of a law is repealed and in substance re-enacted, a reference in any other law to the repealed provision shall be deemed a reference to the re-enacted provision," some question whether magistrates have jurisdiction over game violations under the Wildlife Conservation Act. Debate over this question has resulted in a decrease in arraignments of game law offenders by magistrates and an increase in the case load of district court judges. Case load increases have become acute in areas of the state with intense recreational hunting and fishing pressure, including areas in the Upper Peninsula where several counties share one district court judge. Therefore, legislation has been introduced to specify that magistrates do maintain jurisdiction over game violations.

THE CONTENT OF THE BILL:

The bill would amend the section of the Revised Judicature Act that specifies the jurisdiction of district court magistrates to delete an obsolete reference to the Game Law and insert a reference to the Wildlife Conservation Act.

MCL 600.8511

FISCAL IMPLICATIONS:

According to the Department of Natural Resources, the bill would have no fiscal implications for the state. (6-20-90)

ARGUMENTS:

For:

The bill would make clear that magistrates have jurisdiction over violations of the Wildlife Conservation Act, thereby helping to reduce the case load of district court judges. In addition, the bill would help expedite the sentencing of game offenders because there would be an increase in the number of offenders arraigned and sentenced by magistrates once the bill was enacted.

POSITIONS:

The Department of Natural Resources supports the bill. (6-20-90)

The Michigan District Judges Association supports the bill. (6-20-90)