

**SFA**

BILL ANALYSIS

Senate Fiscal Agency

Lansing, Michigan 48909

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House Bill 5888 (Substitute S-1 as reported)

Sponsor: Representative William Van Regenmorter

House Committee: Conservation, Recreation, and Environment

Senate Committee: Natural Resources and Environmental Affairs

Date Completed: 9-17-90

**RATIONALE**

The Revised Judicature Act (RJA) historically has 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 does not exceed 90 days in jail, a fine, or both. When the Game Law was recodified and renamed the "Wildlife Conservation Act" by Public Act 256 of 1988, however, an obsolete reference to the Game Law was not deleted in the RJA. Although MCL 8.3u states that, "if any provision of a law is repealed and in substance re-enacted, a reference in any other law to the repealed provision shall be deemed a reference to the re-enacted provision", some question whether magistrates have jurisdiction over game violations under the Wildlife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 reportedly has resulted in a decrease in arraignments of game law offenders by magistrates and an increase in the case load of district court judges, especially in areas of the State in which recreational hunting and fishing are popular. Some people feel that the RJA should be amended to specify that magistrates do have jurisdiction over game violations.

**CONTENT**

The bill would amend the Revised Judicature Act to grant district court magistrates the authority to arraign and sentence upon pleas of guilty or nolo contendere for violations of the Wildlife Conservation Act, and to delete such authority for violations of the Game Law.

MCL 600.8511

**SENATE COMMITTEE ACTION**

The Senate Committee on Natural Resources and Environmental Affairs adopted a substitute (S-1) to the bill that changed the placement within the RJA of the provision to grant magistrates the authority to arraign and sentence violators.

**FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

**ARGUMENTS****Supporting Argument**

The bill would grant magistrates their former jurisdiction over game violations, thereby helping to reduce the case load of district court judges and to expedite the sentencing of those offenders.

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**H8990S5888A**

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.

H.B. 5888 (9-17-90)