

HOUSE BILL No. 6121

November 8, 1990, Introduced by Rep. Martin and referred to the Committee on Judiciary.

A bill to amend section 6 of Act No. 192 of the Public Acts of 1929, entitled as amended

"An act to prescribe certain powers and duties of the director of conservation; to provide for the enforcement of the laws relative to the protection, propagation or preservation of wild birds, wild animals and fish; to provide for the enforcement of laws pertaining to the powers and duties of the director of conservation or the commission of conservation; to provide for the condemnation of property seized for violation of such statutes and laws; to declare as peace officers the director of the department of natural resources and any conservation officer appointed by him or her and to vest in the director and conservation officers all the powers, privileges, prerogatives, and immunities of peace officers under the general laws of the state; to provide for volunteer conservation officers and vest in them all the immunities of conservation officers under the general laws of the state; and to prescribe certain penalties,"

as amended by Act No. 179 of the Public Acts of 1986, being section 300.16 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 6 of Act No. 192 of the Public Acts of
2 1929, as amended by Act No. 179 of the Public Acts of 1986, being

1 section 300.16 of the Michigan Compiled Laws, is amended to read
2 as follows:

3 Sec. 6. (1) The director of the department of natural
4 resources and conservation officers appointed by the director are
5 peace officers vested with all the powers, privileges, preroga-
6 tives, and immunities conferred upon peace officers by the gen-
7 eral laws of this state; have the same power to serve criminal
8 process as sheriffs; have the same right as sheriffs to require
9 aid in executing process; and are entitled to the same fees as
10 sheriffs in performing those duties.

11 (2) The director may commission state park officers to
12 enforce within the boundaries of the state parks rules promul-
13 gated by the department pursuant to THE ADMINISTRATIVE PROCEDURES
14 ACT OF 1969, Act No. 306 of the Public Acts of 1969, as amended,
15 being sections 24.201 to 24.328 of the Michigan Compiled Laws,
16 and any laws of this state specified in those rules as enforce-
17 able by commissioned state park officers. In performing those
18 enforcement activities, commissioned state park officers shall be
19 vested with the powers, privileges, prerogatives, and immunities
20 conferred upon peace officers under the laws of this state.

21 (3) If a conservation officer or a state park officer com-
22 missioned pursuant to subsection (2) arrests a person without
23 warrant for a misdemeanor, committed in the officer's presence,
24 which is punishable by imprisonment for not more than 90 days, or
25 a fine, or both, instead of immediately bringing the person
26 ~~before~~ FOR ARRAIGNMENT BY the court having jurisdiction, the
27 officer may issue to and serve upon the person an appearance

1 ticket, as authorized by sections 9a to 9g of chapter 4 of THE
2 CODE OF CRIMINAL PROCEDURE, Act No. 175 of the Public Acts of
3 1927, as amended, being sections 764.9a to 764.9g of the Michigan
4 Compiled Laws.

5 (4) An appearance pursuant to an appearance ticket may be
6 made in person, by representation, or by mail. If appearance is
7 made by representation or mail, a district judge, a municipal
8 judge, or a judge of recorder's court of Detroit, may accept a
9 plea of guilty and payment of a fine and costs on or before the
10 definite court date indicated on the appearance ticket, or may
11 accept a plea of not guilty for purposes of arraignment, both
12 with the same effect as though the person personally appeared
13 before the court. If appearance is made by representation or
14 mail, a district court magistrate may accept a plea of guilty
15 upon an appearance ticket and payment of a fine and costs on or
16 before the definite court date indicated on the appearance ticket
17 for those offenses within the magistrate's jurisdiction, as pre-
18 scribed by section 8511 of THE REVISED JUDICATURE ACT OF 1961,
19 Act No. 236 of the Public Acts of 1961, as amended, being section
20 600.8511 of the Michigan Compiled Laws, or may accept a plea of
21 not guilty for purposes of arraignment, if authorized to do so by
22 the judge of the district court district, with the same effect as
23 though the person personally appeared before the court. The
24 court, by giving not less than 5 days' notice of the date of
25 appearance, may require appearance in person at the place desig-
26 nated in the appearance ticket.

1 (5) This section shall not prevent the execution of a
 2 warrant for the arrest of the person as in other cases of
 3 misdemeanors if necessary.

4 (6) Upon failure of a person to appear, the court, in addi-
 5 tion to the fine assessed, if the person is found guilty for the
 6 offense committed, may add to the fine and costs levied against
 7 the person additional costs incurred in compelling the appearance
 8 of the person, which additional costs shall be returned to the
 9 general fund of the unit of government incurring the costs.

10 (7) The director of the department of natural resources, in
 11 conjunction with the Michigan state employees association of the
 12 American federation of state, county, and municipal employees and
 13 the Michigan professional employees society, shall study the fea-
 14 sibility of allowing full-time employees of the department of
 15 natural resources to perform the duties of conservation officers
 16 under certain circumstances.

17 Section 2. This amendatory act shall not take effect unless
 18 all of the following bills of the 85th Legislature are enacted
 19 into law:

20 (a) Senate Bill No. _____ or House Bill No. 6118 (request
 21 no. 04356'89).

22 (b) Senate Bill No. _____ or House Bill No. 6119 (request
 23 no. 04356'89a).

24 (c) Senate Bill No. _____ or House Bill No. 6120 (request
 25 no. 04356'89b).

26 (d) Senate Bill No. _____ or House Bill No. 6122 (request
 27 no. 04356'89d).