



**House
Legislative
Analysis
Section**

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DELETE FINGERPRINTING REQUIREMENT

House Bill 4653 with committee amendment
First Analysis (11-18-87)

Sponsor: Rep. Richard Bandstra
Committee: State Affairs

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THE APPARENT PROBLEM:

When a person has been arrested for a particular crime, state law requires that that person be fingerprinted as soon as possible after the arrest if the crime involved constitutes a felony or misdemeanor involving a heavy fine, a long imprisonment, or both. The Department of Natural Resource's (DNR) conservation officers—as law-enforcing agents—presently are required to conform to this law, in spite of the fact that most DNR arrests involve less serious crimes. Because many arrests made by conservation officers occur in remote places and at inconvenient times, and involve violations which do not constitute felonies, this law imposes an inconvenience both to the DNR and state police and costs both departments time and money in obtaining fingerprints when fingerprints, in many cases, are not needed.

THE CONTENT OF THE BILL:

House Bill 4653 would amend Public Act 289 of 1925 to specify that fingerprinting would not be mandatory when an arrest is made for a violation of the Michigan Sportsmen Fishing Law or the Game Law when the violation involved constitutes a misdemeanor.

MCL 28.243

FISCAL IMPLICATIONS:

The Department of Natural Resources and the Department of State Police report that the bill would save both departments time and money by eliminating a task which, in most cases, is nothing more than an unnecessary formality. (11-17-87)

ARGUMENTS:

For:

Taking fingerprints from a person arrested for a particular crime takes time and costs the state money. The time and costs required are increased when the crime involved takes place at an inconvenient time of the day or night and in a remote area. Many of the crimes which state conservation officers find themselves policing often contain violations which may involve large fines (over \$500), but usually do not include long prison terms (over 92 days). When a conservation officer makes an arrest late at night or in a remote area, current law requiring fingerprints imposes an inconvenience on the DNR and state police. Further, it raises costs required to pay officers who have to take time getting fingerprints which in many cases are not needed. Since this bill would only eliminate the requirement to obtain fingerprints in violations of a less serious nature, the DNR or state police would still be permitted to fingerprint violators if the situation warranted it.

For:

A person arrested in a minor crime involving a violation of state fish and game laws could be protected from a procedure which both the DNR and the state police have said may be unnecessary in many cases. A person arrested for a misdemeanor game or fish violation should not be required to unnecessarily go through such an unpleasant procedure.

POSITIONS:

The Department of Natural Resources supports the bill. (11-17-87)

The Department of State Police supports the bill. (11-17-87)

H.B. 4653 (11-18-87)