



**House
Legislative
Analysis
Section**

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DNR LAWS: APPEARANCE TICKETS

House Bill 4825 with committee amendments
First Analysis (11-18-87)

Sponsor: Rep. Richard Bandstra
Committee: Judiciary

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THE APPARENT PROBLEM:

Under the Code of Criminal Procedure, appearance tickets may be issued for misdemeanor or ordinance violations for which permissible imprisonment does not exceed 90 days and the maximum permissible fine does not exceed \$500. Recent changes to the Game Law and the Michigan Sportsmen Fishing Law hiked allowable penalties for various misdemeanor violations to levels above those for which appearance tickets are allowed. The Department of Natural Resources (DNR) seeks to have the Code of Criminal Procedure amended to allow appearance tickets to be issued for misdemeanor violations of those game and fishing laws. Without such an amendment, the department would have work through prosecutors' offices and seek prosecution for violations for which the DNR has traditionally issued tickets.

THE CONTENT OF THE BILL:

The bill would amend the Code of Criminal Procedure to allow appearance tickets to be issued for misdemeanor violations of the Game Law and the Michigan Sportsmen Fishing Law.

MCL 761.1 and 764.9f

FISCAL IMPLICATIONS:

Fiscal information on the bill is not available. (11-17-87)

ARGUMENTS:

For:

To fight poaching, the legislature in 1986 enacted a number of laws (Public Acts 15, 43, and 189) that increased various fines under the Game Law and the Michigan Sportsmen Fishing Law. However, those increases also brought the penalties outside the limits prescribed by the Code of Criminal Procedure for issuing appearance tickets. The bill would allow appearance tickets to continue to be issued for misdemeanor violations of the game and sport fishing laws, thus not only preserving the traditional method of enforcing these laws, but also averting the difficulties that would surely arise if the DNR had to attempt to enforce anti-poaching laws through already overburdened prosecutors' offices.

POSITIONS:

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

H.B. 4825 (11-18-87)