



**House
Legislative
Analysis
Section**

Washington Square Building Suite 1025
Lansing Michigan 48909
Phone 517 373-6466

DNR LAWS: APPEARANCE TICKETS

House Bill 4825 as passed by the House
Second Analysis (12-10-87)

RECEIVED

Sponsor: Rep. Richard Bandstra
Committee: Judiciary

FEB 04 1988

Mich. State Law Library

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 to either immediately take violators into custody or seek arrest warrants 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 for which the maximum penalty did not exceed 92 days in jail and a fine. In addition, the bill would amend the code's definition of "minor offense" to include such violations.

MCL 761.1 and 764.9f

FISCAL IMPLICATIONS:

The House Fiscal Agency reports that the bill would have no fiscal implications. (12-10-87)

ARGUMENTS:

For:

To fight poaching, the legislature in 1986 enacted a number of laws (Public Acts 15, 43, and 189) that increased various penalties 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 obtaining arrest warrants through already overburdened prosecutors' offices.

POSITIONS:

The Department of Natural Resources supports the bill. (12-8-87)

H.B. 4825 (12-10-87)