

SFA

BILL ANALYSIS

MAR 08 1988

Senate Fiscal Agency

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House Bill 4825 (Substitute S-2 as reported)**Sponsor:** Representative Richard Bandstra**House Committee:** Judiciary**Senate Committee:** Judiciary**Date Completed:** 2-16-88***RATIONALE***

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 increased allowable penalties for various misdemeanor violations above the level for which appearance tickets can be issued. Some people believe that the Department of Natural Resources (DNR) conservation officers should be permitted to issue appearance tickets for misdemeanor violations of those game laws. Under current law, conservation officers either have to take violators into custody or have to seek arrest warrants for violations for which the DNR traditionally has issued tickets.

CONTENT

House Bill 4825 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 does 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.

The bill would take effect March 1, 1988.

MCL 761.1 and 764.9f

SENATE COMMITTEE ACTION

The Senate Judiciary Committee adopted a substitute (S-2) to the bill that would add an effective date of March 1, 1988.

FISCAL IMPACT

The bill would result in a cost savings to the State. The ability to issue appearance tickets would decrease the officer time required to enforce misdemeanor violations of the game and fishing laws.

ARGUMENTS***Supporting Argument***

In 1986, in an effort to deter poaching, the Legislature 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. Those increases, however, also brought penalties outside the limits prescribed by the Code of Criminal Procedure for issuing appearance tickets. By allowing appearance tickets to be issued for misdemeanor violation of the game and sport

fishing laws, the bill not only would preserve the traditional method of enforcing these laws, but also would avert the difficulties that would arise if the DNR had to enforce anti-poaching laws by securing arrest warrants.

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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. 4825 (2-16-88)