



**House  
Legislative  
Analysis  
Section**

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**CIVIL INFRACTIONS: DEFINITION  
OF "LAW ENFORCEMENT OFFICER"**

House Bill 5559 as introduced  
First Analysis (2-15-96)

**AS ENROLLED**

**Sponsor: Rep. Michael Nye  
Committee: Judiciary and Civil Rights**

***THE APPARENT PROBLEM:***

Under the Natural Resources and Environmental Protection Act, violations of Department of Natural Resources (DNR) rules or orders "for the protection of lands and property under its control against wrongful use or occupancy" are misdemeanors (punishable by imprisonment for up to 90 days, community service for up to 30 days, or a maximum fine of \$500) until "the civil procedures act is enacted into law, at which time these violations are to become civil infractions with civil fines of up to \$500" (MCL 324.504). Since Public Act 54 of 1995 (enrolled House Bill 4426) did enact a "civil procedures act" (namely, the state civil procedures chapter of the RJA), these misdemeanors have become civil infractions. Legislation has been proposed to delete this misdemeanor language and change the current "civil infractions" references to "state civil infractions."

(Public Act 54 of 1995 defined, and specified procedures for processing, a new class of civil infraction, "state civil infraction," in addition to so-called motor (or traffic) civil infractions and municipal civil infractions. A package of "cleanup" legislation (House Bills 5541 through 5552) was reported from the House Committee on Judiciary and Civil Rights earlier this month that would amend seven additional statutes (including six different parts of the Natural Resources and Environmental Protection Act), mostly to bring otherwise unspecified civil infractions [or civil violations] under the RJA's procedures for processing state civil infractions.)

Under the NREPA, the DNR also is authorized to commission "state park officers" (MCL 324.1606) and "park and recreation enforcement officers" (MCL 324.74124) to enforce DNR administrative rules and laws specified in these rules on DNR lands. (The two sections use slightly different language to describe these officers and their powers, but both sections invest the officers with "the powers, privileges, prerogatives, and immunities conferred upon peace officers under the laws of this state.") In fact, one of the amendments proposed by House Bill 5544 (reported from the House Committee on Judiciary and Civil Rights as part of the

package of "cleanup" legislation mentioned above) would amend the NREPA to correct language that currently, and incorrectly, authorizes park and recreation enforcement officers to arrest people under circumstances that include the commission of "a civil infraction or misdemeanor." (Since arrests are made for crimes, including misdemeanors, while citations are issued for civil infractions, the bill would correct this procedural section of the NREPA).

However, quite apart from the procedural problem that House Bill 5544 would correct, the DNR also has pointed out that park and recreation enforcement officers are not included within the RJA definition of "law enforcement officers" who may issue state civil infractions. Legislation has been introduced that would correct this oversight.

***THE CONTENT OF THE BILL:***

The bill would authorize park and recreation officers to issue state civil infractions. More specifically, Chapter 88 (State civil infractions) of the Revised Judicature Act authorizes "law enforcement officers" to issue state civil infraction citations. The definition of "law enforcement officer" in this chapter of the RJA includes sheriffs and deputy sheriffs, police officers (including city, village, township, and state police officers and city, village, and township marshals), conservation officers, state security employees, motor carrier officers, university public safety officers, and local constables so authorized. The bill would amend the RJA definition of "law enforcement officer" to add "park and recreation officers" commissioned under Part 16 (Enforcement of laws for protection of wild birds, wild animals and fish) of the Natural Resources and Environmental Protection Act.

MCL 600.8801

***FISCAL IMPLICATIONS:***

The House Fiscal Agency reports the bill has no state or local fiscal implications. (2-9-96)

House Bill 5559 (2-15-96)

**ARGUMENTS:**

**For:**

The new state civil infraction chapter of the Revised Judicature Act authorizes law enforcement officers to issue citations for state civil infractions, but DNR park and recreation officers were inadvertently omitted from the definition of "law enforcement officer." The bill would correct this technical oversight, thereby statutorily authorizing DNR park and recreation officers to issue citations for state civil infractions for violations of DNR administrative rules and orders, and for violations of laws specified by DNR rules.

**POSITIONS:**

A representative of the Department of Natural Resources submitted a card indicating support for the bill. (2-14-96)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.