

Act No. 171
Public Acts of 1996
Approved by the Governor
April 18, 1996
Filed with the Secretary of State
April 18, 1996

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996**

Introduced by Reps. Nye, Cropsey, Fitzgerald, Dalman, Ryan, Bush and Jersevic

ENROLLED HOUSE BILL No. 5544

AN ACT to amend sections 504 and 74124 of Act No. 451 of the Public Acts of 1994, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," section 74124 as added by Act No. 58 of the Public Acts of 1995, being sections 324.504 and 324.74124 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Sections 504 and 74124 of Act No. 451 of the Public Acts of 1994, section 74124 as added by Act No. 58 of the Public Acts of 1995, being sections 324.504 and 324.74124 of the Michigan Compiled Laws, are amended to read as follows:

Sec. 504. The department shall promulgate rules for the protection of the lands and property under its control against wrongful use or occupancy as will ensure the carrying out of the intent of this part to protect the lands and property from depredations and to preserve the lands and property from molestation, spoliation, destruction, or any other improper use or occupancy. This section does not allow the department to promulgate a rule that applies to commercial fishing except as otherwise provided by law. The department shall issue orders necessary to implement rules promulgated under this section. These orders shall be effective upon posting. A person who violates a rule promulgated under this section or an order issued under this section is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$500.00.

Sec. 74124. (1) To ensure compliance with this part and the rules promulgated under this part, the director may commission park and recreation enforcement officers with limited arrest powers to enforce this part, rules promulgated under this part, and any laws of this state specified in those rules as enforceable by commissioned park and recreation enforcement officers, upon properties administered by the department under this part. In performing these duties, park and recreation enforcement officers shall be vested with the powers, privileges, prerogatives, and immunities conferred upon peace officers by the general laws of this state.

(2) In addition to the limited arrest authority granted in subsection (1), a park and recreation enforcement officer may arrest a person without a warrant if 1 or more of the following exist:

(a) The person commits an assault or an assault and battery punishable under section 81 or 81a of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.81 and 750.81a of the Michigan Compiled Laws, against

the park and recreation enforcement officers or against another person while in the presence of the park and recreation enforcement officers.

(b) The park and recreation enforcement officers have reasonable cause to believe that a felony has been committed and reasonable cause to believe that the person has committed it.

(c) The park and recreation enforcement officers have positive information by written, telegraphic, teletypic, telephonic, radio, or other authoritative source that a peace officer holds a warrant for the person's arrest.

(d) The person commits a misdemeanor in violation of the following sections of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949:

(i) Section 625 or 625m, being sections 257.625 and 257.625m of the Michigan Compiled Laws.

(ii) Section 626, being section 257.626 of the Michigan Compiled Laws.

(e) The person commits a misdemeanor violation of part 811.

(f) The person violates section 80143(6) and 80198b(2).

(3) A park and recreation officer may issue a citation for a violation of a state civil infraction or for a civil infraction violation of section 611, 625a, or 627 of Act No. 300 of the Public Acts of 1949, being sections 257.611, 257.625a, and 257.627 of the Michigan Compiled Laws.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved _____

Governor.