

Legislative Analysis



ALLOW PEACE OFFICERS NOT CERTIFIED BY MCOLES TO PATROL OFF-ROAD VEHICLE TRAILS

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House Bill 4021 as reported from committee
Sponsor: Rep. Curtis S. VanderWall
Committee: Judiciary
Complete to 3-31-23

Analysis available at
<http://www.legislature.mi.gov>

BRIEF SUMMARY: House Bill 4021 would amend the Natural Resources and Environmental Protection Act (NREPA) to replace references to law enforcement officers in provisions pertaining to off-road vehicles (ORVs) with “peace officer” and define the term. The change would allow a law enforcement agency to employ an officer to patrol ORV trails who was not certified by the Michigan Commission on Law Enforcement Standards (MCOLES).

FISCAL IMPACT: The bill will have no fiscal impact on the state or on local units of government.

THE APPARENT PROBLEM:

In addition to conservation officers employed by the Department of Natural Resources (DNR), law enforcement officers provide patrol services for trails and respond to incidents in the many local, state, and federal parks and forest preserves in the state. In rural areas, where many of the parks and forests are located, these services are often provided by sheriff’s deputies. Many sheriff’s departments are short-staffed or working under budget constraints. Reportedly, a grant provided by the DNR for ORV patrols cannot be used for officers who are MCOLES-certified due to conflicts with employment contracts. Some therefore use part-time deputies who are not MCOLES-certified and who have limited police authority to patrol snowmobile trails. Under current law, deputies who are not certified may provide patrol services on snowmobile trails if they have received at least 40 hours of law enforcement training and training specific to operation of snowmobiles under NREPA.

However, current law allows only MCOLES-certified deputies to patrol ORV trails. Since ORVs utilize many of the same trails as snowmobiles, some feel that providing sheriff’s departments the same flexibility to patrol ORV trails with either MCOLES or non-MCOLES certified officers would increase safety on the ORV trails by having trained deputies available on those trails and free up certified officers to conduct road patrols, respond to accidents, and investigate crimes.

THE CONTENT OF THE BILL:

House Bill 4021 would amend NREPA to allow a law enforcement agency to employ an officer who is not MCOLES-certified to patrol trails used by off-road vehicles. Specifically, the bill would amend Part 811 (Off-Road Recreation Vehicles) of NREPA to replace references to “local law enforcement officer,” “law enforcement officer,” or “officer” with the term *peace officer*, which it would define to mean any of the following:¹

- A sheriff.
- A sheriff’s deputy.
- A village or township marshal.

¹ This definition is similar to the definition of *peace officer* in Part 821 (Snowmobiles) of NREPA.

- An officer of the police department of a municipality.
- A deputy authorized by a sheriff to enforce Part 811 who has satisfactorily completed at least 40 hours of law enforcement training, including training specific to Part 811.
- An officer of the Department of State Police.
- The director of the DNR and conservation officers employed by the DNR.

MCL 324.81101 et seq.

ARGUMENTS:

For:

Michigan is blessed with over 4,000 miles of recreational trails. Last year, more than 30,000 permits for ORVs were issued in the state, and some counties report that they see 500 to 2,000 people on trails in their jurisdictions per weekend. Although accidents and crimes on trails are low, they do happen, and officers need to be visible on trails to increase public safety and to be able to quickly respond when incidents do occur.

According to testimony provided by sheriffs of rural counties, the inability to use trained deputies who are not MCOLES-certified means that certified officers must be pulled off road patrol if needed to respond to an incident on an ORV trail and to provide patrol services on the trails on crowded weekends and holidays. In some counties, there may be only two or three deputies available to respond to calls. If one or two must be reassigned to patrol ORV trails, it leaves only one or two officers to cover a large geographic area. This can greatly increase response times to an accident or a crime in progress. If sheriffs could employ full- or part-time employees as deputies, provide training specific to ORV operations, and give them limited police duties, similarly to what is allowed for deputies patrolling snowmobile trails and providing marine patrols, it would save money and increase public safety by keeping the certified officers available for road patrols and emergencies. In addition, many of the ORV and snowmobile trails are the same. Deputies trained in providing snowmobile patrols are already familiar with the trails. Enactment of the bill would therefore provide sheriffs' departments with greater flexibility to use available resources to increase public safety in their jurisdictions.

Against:

No arguments opposing the bill were presented in House committee testimony.

POSITIONS:

Representatives of the following entities testified in support of the bill (3-15-23):

- Michigan Sheriffs' Association
- Lake County Sheriff's Office

The Department of Natural Resources indicated support for the bill. (3-22-23)

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