

Legislative Analysis



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

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Senate Bill 1003 (H-1) as reported from House committee

Sponsor: Sen. Curtis S. VanderWall

House Committee: Judiciary

Senate Committee: Judiciary and Public Safety

Complete to 12-4-22

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

BRIEF SUMMARY: Senate Bill 1003 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 the term “peace officer” and define the term. The change would allow a law enforcement agency to employ an officer who was not certified by the Michigan Commission on Law Enforcement Standards to patrol trails used by ORVs.

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. Some therefore use part-time deputies who are not certified under the Michigan Commission on Law Enforcement Standards (MCOLES) Act to patrol snowmobile trails. Current law allows deputies who are not MCOLES-certified to 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:

Senate Bill 1003 would add a definition of *peace officer* to Part 811 (Off-Road Recreation Vehicles) of NREPA. The bill also would replace references in several provisions to a “local law enforcement officer,” “law enforcement officer,” or “officer” with “peace officer.”

Peace officer would mean any of the following:¹

- A sheriff.
- A sheriff’s deputy.

¹ *Peace officer* would be defined in Part 811 the same as it is currently defined under Part 821 (Snowmobiles).

- 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.
- A village or township marshal.
- An officer of the police department of a municipality.
- An officer of the Department of State Police.
- The director and conservation officers employed by the DNR.

MCL 324.81101 et seq.

HOUSE COMMITTEE ACTION:

The House Judiciary committee reported an H-1 substitute that corrected a typographical error in the bill.

ARGUMENTS:

For:

According to testimony provided by sheriffs of rural counties, the inability to utilize trained deputies who are not MCOLES-certified means that 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 as needed 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 and provide training specific to ORV operations, similarly to what is allowed for deputies patrolling snowmobile trails, it would save departments 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 utilize available resources to increase public safety within their jurisdictions.

Against:

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

POSITIONS:

A representative of the Michigan Sheriffs' Association testified in support of the bill. (9-28-22)

The Michigan Department of Natural Resources indicated support for the bill. (9-28-22)

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