

2009 CRIME LEGISLATION UPDATE

An Outline of Recently Passed Legislation From January 1 to December 31, 2009.

This outline is a summary of 28 Public Acts passed in 2009 affecting the criminal justice system. Some of the public acts are short and simple, others are very complex. Because this outline is a summary, I may have occasionally used ambiguous terms, or not completely covered every aspect of the law. You should carefully review the complete text of any public act listed in this outline before taking action regarding that new law. The outline is divided into the following sections:

I. NEW CRIMES & PENALTIES

II. CRIMINAL PROCEDURE

III. CORRECTIONS

IV. VEHICLES

V. MISCELLANEOUS

Copies of legislation may be obtained at <http://www.legislature.mi.gov/>

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I. NEW CRIMES & PENALTIES

- A. AQUATIC PLANTS.** 2009 PA 91. Effective September 15, 2009. Makes it a civil infraction to place a boat, boating equipment or a boat trailer in the waters of this state with an aquatic plant attached. MCL 324.41325.
- B. MORTGAGE ORIGINATION LOANS.** 2009 PA 75-79. Effective July 31, 2009. Creates the mortgage loan originator licensing act. Violation of a final order of the commissioner of the office of financial and insurance regulation is a misdemeanor, punishable by imprisonment for up to 1 year and/or a fine of up to \$5,000. MCL 493.157.
- C. SMOKING.**
1. **CIGARETTES.** 2009 PA 56. Effective January 1, 2010. Enacts the “fire safety standard and firefighter protection act.” Creates civil penalties for the manufacture or sale of cigarettes that don’t meet standard test methods for measuring ignition strength.
 2. **RESTAURANTS.** 2009 PA 188. Effective May 1, 2010. Prohibits smoking in a public place or food service establishment. Violations are subject to civil fines of \$100 for a first violation and \$500 for second and subsequent offenses. MCL 333.12611 and MCL 333.12905.

II. CRIMINAL PROCEDURE

- A. RESTITUTION.** 2009 PA 27-28. Effective July 1, 2009. Allows restitution to be ordered for the replacement value of lost, damaged or destroyed property if the fair market value cannot be determined. MCL 780.766(3)(b)(i)(ii).

- B. SEARCH WARRANTS.** 2009 PA 10-11. Effective April 9, 2009. Allows a magistrate to issue a search warrant for a person when the person is subject to either an arrest warrant or a bench warrant issued in a criminal case. MCL 780.652.

III. CORRECTIONS

- A. BOOT CAMPS.** 2009 PA 107. Effective October 1, 2009. Extends the special alternative incarceration (boot camp) program until September 30, 2010. Limits participation to prisoners serving their first prison sentence who have not previously been in the program. MCL 791.234a.

IV. VEHICLES

- A. CHILD SAFETY SEATS.** 2009 PA 57. Effective June 26, 2009. Requires all children under the age of 4 to be restrained in a child safety seat in the rear seat of a vehicle.
1. If there is no rear seat, or there are too many children under the age of 4 to all fit in the rear seat, the child can be restrained in the front seat. If a rear facing child restraint system is used, the passenger side air bag must be turned off. MCL 257.710d.
- B. LOG SLASHER UNITS.** 2009 PA 37. Effective June 4, 2009. Establishes the maximum length for a truck tractor with a log slasher unit and a log saw unit. Violations are civil infractions. MCL 257.719(3)(c).
- C. ORVS.**
1. **COUNTY ROADS.** 2009 PA 175. Effective December 15, 2009. Expands the list of counties that can authorize the operation of ORVs on county roads. New counties include: Huron, Tuscola, Sanilac, Saginaw, Gratiot, Montcalm and St. Clair. MCL 324.81131.
 2. **6 WHEELED VEHICLES.** 2009 PA 200. Effective December 29, 2009. Includes 6 wheeled vehicles in the definition of ORV and ATV. MCL 324.81101.

V. MISCELLANEOUS

- A. **ASSISTANT PHYSICAL THERAPISTS.** 2009 PA 55. Effective June 25, 2009. Requires assistant physical therapists to be licensed under the public health code. MCL 333.17820.
- B. **BABYSITTING.** 2009 PA 155. Effective November 24, 2009. Exempts babysitting services from child care licensing laws. Babysitting services can be provided for up to \$600 per year. MCL 722.111.
- C. **CROSSBOWS.** 2009 PA 109. Effective October 1, 2009. Allows a person who is temporarily disabled to obtain a permit to hunt with a crossbow. MCL 324.40114.
- D. **FALCONRY.** 2009 PA 36. Effective June 4, 2009. Authorizes the DNR to establish a season for falconers to take live falcons to use in falconry. MCL 324.40107b.
- E. **FARM ANIMALS.** 2009 PA 117. Effective October 1, 2012. Regulates the treatment of calves raised for veal, gestating sows and egg-laying hens on farms. The Attorney General has civil enforcement responsibility. MCL 287.746.
- F. **PROHIBITED SPECIES.** 2009 PA 51-52. Effective September 21, 2009. Authorizes the Commission of Natural Resources to add or delete from the list of prohibited or restricted species in MCL 324.41301. Expands the law to regulate the possession or importation into the state of restricted or prohibited species of birds, crustaceans, fish, insects, mammals or mollusks. MCL 324.41301 et. Seq.
- G. **UTILITY SHUT OFFS.** 2009 PA 170-174. Effective January 14, 2010. Regulates service shut offs for municipal utility customers. Authorizes the AG to seek civil fines if a shut off results in death or serious injury. MCL 460.9p.