

**matt.friedrich**  
<matt.friedrich@sbcglobal.net>  
unread,  
May 27, 2021, 1:27:42 PM



to MADCM  
All,

The question came up in our court today about whether a state trooper can write a civil infraction for an ordinance violation, rather than writing it as a violation of state law. Whether it's speeding, or any other traffic civil infraction, can they write the traffic ticket as an OI violation rather than SI? Thanks for any input!

Matt



**Milroy, Michael**  
<michael.milroy@kentcountymi.gov>  
unread,  
May 27, 2021, 1:39:33 PM



to madcm@googlegroups.com

Please refer to MCL 257.42; 257.741; and, 257.742. Yes.

Milroy

63<sup>rd</sup> District Court

**From:** [ma...@googlegroups.com](mailto:ma...@googlegroups.com) [mailto:[ma...@googlegroups.com](mailto:ma...@googlegroups.com)] **On Behalf Of** Matt Friedrich  
**Sent:** Thursday, May 27, 2021 1:28 PM  
**To:** MADCM <[ma...@googlegroups.com](mailto:ma...@googlegroups.com)>  
**Subject:** State trooper authority

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All,

The question came up in our court today about whether a state trooper can write a civil infraction for an ordinance violation, rather than writing it as a violation of state law. Whether it's speeding, or any other traffic civil infraction, can they write the traffic ticket as an OI violation rather than SI? Thanks for any input!

Matt

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**jbpahl0824**  
<jbpahl0824@gmail.com>  
unread,  
May 27, 2021, 6:10:53 PM



to MADCM

I would argue no, they cannot enforce local ordinances without a specific grant of authority from the municipality.. I have read all three sections quoted by Michael and just don't see it.

Also look at the Uniform Traffic Code for Cities, Townships and Villages, R 28.1101 Rule 101. Police department; traffic duties.

Jim  
55th



**james brennan**

<jamesbrennanlaw64@gmail.com>

unread,

May 27, 2021, 9:43:50 PM



to Steven Beatty, Jonathan Morse

Hi Steve. This question came up today. I agree with Mike Milroy, 63rd District Court, that an MSP trooper can write a civil or criminal citation under local ordinance or state law but are instructed to write under state law due to the division of fines. Who's correct?

Thanks, Pat Brennan

Sent from my iPad

Begin forwarded message:

**From:** James Pahl <jbpah...@gmail.com>

**Date:** May 27, 2021 at 6:10:54 PM EDT

**To:** MADCM <ma...@googlegroups.com>

**Subject:** Re: State trooper authority

**Reply-To:** [ma...@googlegroups.com](mailto:ma...@googlegroups.com)



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visit <https://groups.google.com/d/msgid/madcm/CAGmUO7Nk99sFMTyQ%2BP%2B%3DgH%2Bjer%3D78Ut%2BFMUs3rKLbuUF7DjjVw%40mail.gmail.com>.



**Milroy,Michael**

<michael.milroy@kentcountymi.gov>

unread,

May 28, 2021, 12:16:17 PM



to madcm@googlegroups.com

I enjoy the discussion magistrates. I believe that MCL 257.742 clearly authorizes a “police officer” to issue under local ordinance substantially corresponding to the motor vehicle code. Police officer by definition under the motor vehicle code includes “an officer of the Michigan state police.” It is not a matter of authority, but rather it is a situation where you follow the money. As a practical matter the MSP will usually cite the state offense. If it does so under the local ordinance it will have to pay the municipality for prosecution of the offense. My musings on a Friday before a long weekend. Enjoy all.

Milroy

63<sup>rd</sup>

**From:** [ma...@googlegroups.com](mailto:ma...@googlegroups.com) [mailto:[ma...@googlegroups.com](mailto:ma...@googlegroups.com)] **On Behalf Of** james brennan  
**Sent:** Thursday, May 27, 2021 9:44 PM  
**To:** Steven Beatty <[Bea...@michigan.gov](mailto:Bea...@michigan.gov)>  
**Cc:** Jonathan Morse <[ma...@googlegroups.com](mailto:ma...@googlegroups.com)>  
**Subject:** Fwd: State trooper authority

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[jbrennan@ferndalecourt.com](mailto:jbrennan@ferndalecourt.com)  
<[jbrennan@ferndalecourt.com](mailto:jbrennan@ferndalecourt.com)>  
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May 28, 2021, 12:29:17 PM



to [madcm@googlegroups.com](mailto:madcm@googlegroups.com)  
I checked with MSP. Yes, they can write under 19cal ordinance. Done in Detroit all the time.

----- Original Message -----



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visit <https://groups.google.com/d/msgid/madcm/SA1PR09MB7645B2BFC9D14000306CF53EE5229%40SA1PR09MB7645.namprd09.prod.outlook.com>.



Milroy, Michael

<michael.milroy@kentcountymi.gov>

unread,

May 28, 2021, 12:30:22 PM



to madcm@googlegroups.com

Yes. We get them here in 63<sup>rd</sup> too.

**From:** [ma...@googlegroups.com](mailto:ma...@googlegroups.com) [mailto:[ma...@googlegroups.com](mailto:ma...@googlegroups.com)] **On Behalf**

**Of** [jbre...@ferndalecourt.com](mailto:jbre...@ferndalecourt.com)

**Sent:** Friday, May 28, 2021 12:29 PM

**To:** [ma...@googlegroups.com](mailto:ma...@googlegroups.com)

**Subject:** RE: State trooper authority

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