

Basic Training Module Specifications

<u>Functional Area:</u>	I. Investigation
<u>Subject Area:</u>	B. Substantive Criminal Law
<u>Module Title:</u>	3. LAWS REGARDING CONTRABAND AND REGULATORY CRIMES
<u>Hours:</u>	Not less than 4 hours

Notes to Instructor:

This module must be taught by an attorney admitted to the Michigan Bar. Local ordinance instruction should be left to the hiring jurisdiction.

Module Objectives:

- I.B.3.1. Use the Michigan Penal Code (MCLA/MSA) to Identify Contraband and Regulatory Crimes.
- a. Uses the table of contents and index to locate specific offenses.
 - b. Identifies the elements of an offense.
 - c. Identifies promulgated rules authorized by statute that control contraband and regulatory crimes.
- I.B.3.2. Identify Contraband and Regulatory Crimes.
- a. Compares the elements of an offense against the facts of a situation to determine if any of the following crimes has been committed.

Notes to Instructor:

The MCL citations appear in parenthesis.

- (1) Business or peddler license violation (445.371-372; 445.377);
- (2) Concealed weapon (750.227; 28.425f-g; 28.425k; 28.425o; 28.428; and 28.421 effective April 6, 2009);
- (3) Law Enforcement Officers Safety Act of 2004 (18 USC 926B & 926C);
- (4) Michigan Retired Law Enforcement Officer's Firearm Carry Act of 2008 (28.511- 28.527, effective March 31, 2009);
- (5) Controlled Substance Act (333.7401-7404);
- (6) Michigan Medical Marijuana Act of 2008 (333.26421 et. seq.);
- (7) Fireworks violation (750.243a-d);

Notes to Instructor (continued):

- (8) Illegal burning (750.78);
- (9) Illegal weapon [firearm] (750.232a; 750.227a; 750.224f);
- (10) Illegal weapon [other than firearm] (750.226a; 750.224a);
- (11) Impersonating an officer or other official (750.215);
- (12) Licensing violations (750.224; 333.7303-7304; 436.1701);
- (13) Liquor law (436.1913; 436.1701; 436.1703; 436.1705; 436.1915);
- (14) Unlawful use of firearm (750.227b-d);
- (15) Unlawful possession/use of police scanners (750.508);
- (16) Weapon Free School Zones (750.237a); and
- (17) Michigan Regulation and Taxation of Marihuana Act (MCL 333.27951 et seq.)
- (18) Other applicable contraband and regulatory crimes.

Notes to Instructor:

Be sure to cover the firearms “open carry” issue during this module. It is legal in Michigan for a citizen to carry a firearm in public if the firearm is not concealed. MCL 750.234d prohibits the possession of a firearm on certain premises, but this law does not apply to a person with a valid concealed pistol license who is openly carrying. Open carry, plus Michigan’s “shall issue” provision for carrying concealed, has perhaps changed the nature of “man with a gun” calls. Remember, the mere presence of a gun, absent criminal activity or suspected criminal activity, is not justification for an investigatory stop by the officer.

The Michigan Regulation and Taxation of Marihuana Act was passed in 2018 as a ballot initiative and legalized the recreational use of marihuana. It is often referred to as the “Recreational Marihuana Act.”

Module History:

Revised	7/00
Revised	7/01
Revised	7/06
Revised	1/09
Revised	2/09
Revised	3/15
Revised	12/18
Reviewed	9/21
Reviewed	10/23