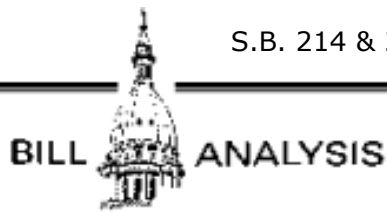




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Senate Bills 214 and 215 (as introduced 2-26-03)
Sponsor: Senator Bev Hammerstrom
Committee: Natural Resources and Environmental Affairs

Date Completed: 10-13-03

CONTENT

Senate Bills 214 and 215 would amend the Natural Resources and Environmental Protection Act and the Code of Criminal Procedure, respectively, to establish a felony penalty for the possession or release of a "prohibited species", and require restitution for damage to the natural resources from a violation. Senate Bill 215 is tie-barred to Senate Bill 214.

Senate Bill 214

The bill would add Part 413 (Nonnative Organisms) to the Natural Resources and Environmental Protection Act. The bill would prohibit a person from possessing or releasing a prohibited species. A violation would be a felony punishable by imprisonment for up to five years, a maximum fine of \$250,000, or both. The court also would have to order the violator to reimburse the State for damages to the natural resources of the State from the violation and costs incurred to prevent or minimize such damages.

The bill would define "prohibited species" as any of the following, its eggs, or a hybrid of any of the following:

- Bighead carp (*Hypophthalmichthys Nobilis*)
- Bitterling (*Rhodeus Sericeus*)
- Black carp (*Mylopharyngodon Piceus*)
- Grass carp (*Ctenopharyngodon Idellus*)
- Ide (*Leuciscus Idus*)
- Japanese weatherfish (*Misgurnus Anguilli candatus*)
- Rudd (*Scardinius Erythrophthalmus*)
- Silver carp (*Hypophthalmichthys Molitrix*)
- Tench (*Tinca Tinca*)

The term "prohibited species" also would include a fish of the snakehead family (Family Channidae) or its eggs.

Senate Bill 215

The bill would include the possession or release of a prohibited species within the sentencing guidelines in the Code of Criminal Procedure. The offense would be a Class E property offense subject to a statutory maximum of five years' imprisonment.

Proposed MCL 324.41301-324.41305 (S.B. 214)
MCL 777.13e (S.B. 215)

Legislative Analyst: Claire Layman

FISCAL IMPACT

Senate Bills 214 & 215 would have an indeterminate fiscal impact on State and local government.

There are no data to indicate how many offenders would be convicted of possessing or releasing a prohibited species. Offenders would receive a sentence with a minimum range of 0-3 months to 24-38 months and would be subject to probation or incarceration in a local or State facility. Local units would incur the cost of incarceration in a local facility, while the State would incur the cost of felony probation estimated at \$4.80 per day, and the cost of incarceration in a State facility at an average annual cost of \$27,000.

Public libraries would benefit from any additional penal fine revenue.

Fiscal Analyst: Bethany Wicksall