



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

Senate Bill 226 (Substitute S-1 as reported)  
Senate Bill 227 (as reported without amendment)  
Sponsor: Senator Bev Hammerstrom  
Committee: Natural Resources and Environmental Affairs

### **CONTENT**

Senate Bill 226 (S-1) would amend the Natural Resources and Environmental Protection Act to:

- Prohibit a person from knowingly releasing a genetically engineered fish or a nonnative fish without a permit from the Department of Natural Resources; and provide that a violation would be a felony punishable by up to five years and/or \$250,000.
- Include genetically engineered variants in provisions that restrict the importation of live game fish; and provide that a violation involving a genetically engineered organism (GEO) or a species not naturalized in this State would be a misdemeanor punishable by up to 90 days and/or \$1,000.
- Provide that a permit to possess or import live game fish would not include a genetically engineered variant unless it was specifically identified in the permit.
- Provide that someone who knowingly violated permit restrictions with respect to a GEO that was a variant would be guilty of a felony punishable by up to five years and/or \$250,000.
- Include liability for damages to the natural resources in all of the proposed penalties.

Senate Bill 227 would amend the Code of Criminal Procedure to add to the sentencing guidelines the felonies of knowingly releasing genetically engineered or nonnative organisms, possessing or importing genetically engineered game fish, and planting genetically engineered aquatic organisms, as proposed by Senate Bill 226. These offenses would be Class E felonies against property, with a statutory maximum term of imprisonment FOR five years. Senate Bill 227 is tie-barred to Senate Bill 226.

MCL 324.45901 et al. (S.B. 226)  
MCL 777.13e (S.B. 227)

Legislative Analyst: Claire Layman

### **FISCAL IMPACT**

Senate Bills 226 (S-1) and 227 would have an indeterminate fiscal impact on State and local government.

There are no data to indicate how many offenders would be convicted of knowingly releasing, possessing or importing a genetically engineered or nonnative fish. 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.

Date Completed: 10-22-03

Fiscal Analyst: Jessica Runnels  
Bethany Wicksall

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Bill Analysis @ [www.senate.michigan.gov/sfa](http://www.senate.michigan.gov/sfa)

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.