

SENATE BILL No. 926

May 6, 2014, Introduced by Senators CASPERSON, PAVLOV, ROBERTSON, BOOHER, GREEN, MARLEAU, JONES, NOFS and PROOS and referred to the Committee on Outdoor Recreation and Tourism.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 40102 and 40112 (MCL 324.40102 and 324.40112), section 40102 as amended by 2007 PA 48 and section 40112 as amended by 1996 PA 316.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 40102. (1) **"AERIAL DRONE" MEANS AN UNMANNED VEHICLE OR**
2 **DEVICE THAT USES AERODYNAMIC FORCES TO ACHIEVE FLIGHT.**

3 (2) ~~(1)~~—"Animals" means wild birds and wild mammals.

4 (3) ~~(2)~~—"Bag limit" means the number of animals that may be
5 taken and possessed as determined by the department.

6 (4) ~~(3)~~—"Bow" means a device for propelling an arrow from a
7 string drawn, held, and released by hand where the force used to
8 hold the string in the drawn position is provided by the archer's
9 muscles.

1 (5) ~~(4)~~—"Buy" or "sell" means an exchange or attempt or offer
2 to exchange for money, barter, or anything of value.

3 (6) ~~(5)~~—"Chase" means to follow animals with dogs or other
4 wild or domestic animals trained for that purpose.

5 (7) ~~(6)~~—"Cormorant damage" means adverse impacts of double-
6 crested cormorants on fish, fish hatchery stock, wildlife, plants,
7 and their habitats and on man-made structures.

8 (8) ~~(7)~~—"Cormorant depredation order" means the depredation
9 order for double-crested cormorants to protect public resources, 50
10 CFR 21.48, issued by the United States department of the interior,
11 fish and wildlife service.

12 (9) ~~(8)~~—"Crossbow" means a weapon consisting of a bow mounted
13 transversely on a stock or frame and designed to fire an arrow,
14 bolt, or quarrel by the release of a bow string that is controlled
15 by a mechanical or electric trigger and has a working safety and a
16 draw weight of 100 pounds or greater.

17 (10) ~~(9)~~—"Deer or elk feeding" means the depositing,
18 distributing, or tending of feed in an area frequented by wild,
19 free-ranging white-tailed deer or elk. Deer or elk feeding does not
20 include any of the following:

21 (a) Feeding wild birds or other wildlife if done in such a
22 manner as to exclude wild, free-ranging white-tailed deer and elk
23 from gaining access to the feed.

24 (b) The scattering of feed solely as the result of normal
25 logging practices or normal agricultural practices.

26 (c) The storage or use of feed for agricultural purposes if 1
27 or more of the following apply:

1 (i) The area is occupied by livestock actively consuming the
2 feed on a daily basis.

3 (ii) The feed is covered to deter wild, free-ranging white-
4 tailed deer or elk from gaining access to the feed.

5 (iii) The feed is in a storage facility that is consistent with
6 normal agricultural practices.

7 (d) Baiting to take game as provided by an order of the
8 commission under section 40113a.

9 (11) ~~(10)~~-"Disability" means a determinable physical
10 characteristic of an individual that may result from disease,
11 injury, congenital condition of birth, or functional disorder.

12 (12) ~~(11)~~-"Feed" means a substance composed of grain, mineral,
13 salt, fruit, vegetable, hay, or any other food material or
14 combination of these materials, whether natural or manufactured,
15 that may attract white-tailed deer or elk. Feed does not include
16 any of the following:

17 (a) Plantings for wildlife.

18 (b) Standing farm crops under normal agricultural practices.

19 (c) Agricultural commodities scattered solely as the result of
20 normal agricultural practices.

21 (13) ~~(12)~~-"Firearm" means a weapon from which a dangerous
22 projectile may be propelled by using explosives, gas, or air.
23 Firearm does not include a smooth bore rifle or handgun designed
24 and manufactured exclusively for propelling ~~BB's~~-BBS not exceeding
25 .177 caliber by means of a spring, air, or gas.

26 Sec. 40112. (1) ~~A person~~-**AN INDIVIDUAL** shall not obstruct or
27 interfere in the lawful taking of animals by another

1 ~~person~~-INDIVIDUAL.

2 (2) ~~A person~~-AN INDIVIDUAL violates this section when the
3 ~~person~~-INDIVIDUAL intentionally or knowingly does any of the
4 following:

5 (a) Drives or disturbs animals for the purpose of disrupting a
6 lawful taking.

7 (b) Blocks, impedes, or harasses another ~~person~~-INDIVIDUAL who
8 is engaged in the process of lawfully taking an animal.

9 (c) Uses a natural or artificial visual, aural, olfactory,
10 gustatory, or physical stimulus to affect animal behavior in order
11 to hinder or prevent the lawful taking of an animal.

12 (d) Erects barriers to deny ingress or egress to areas where
13 the lawful taking of animals may occur. This subdivision does not
14 apply to a ~~person~~-AN INDIVIDUAL who erects barriers to prevent
15 trespassing on his or her property.

16 (e) Interjects himself or herself into the line of fire of a
17 ~~person~~-AN INDIVIDUAL lawfully taking wildlife.

18 (f) Affects the condition or placement of personal or public
19 property intended for use in the lawful taking of an animal in
20 order to impair the usefulness of the property or prevent the use
21 of the property.

22 (g) Enters or remains upon private lands without the
23 permission of the owner or the owner's agent, for the purpose of
24 violating this section.

25 (H) USES AN AERIAL DRONE TO INTERFERE WITH OR HARASS ANOTHER
26 INDIVIDUAL WHO IS ENGAGED IN THE PROCESS OF LAWFULLY TAKING AN
27 ANIMAL.

1 (I) ~~(h)~~ Engages in any other act or behavior for the purpose
2 of violating this section.

3 (3) Upon petition of an aggrieved person or a ~~person~~ **AN**
4 **INDIVIDUAL** who reasonably may be aggrieved by a violation of this
5 section, a court of competent jurisdiction, upon a showing that a
6 ~~person~~ **AN INDIVIDUAL** was engaged in and threatens to continue to
7 engage in illegal conduct under this section, may enjoin that
8 conduct.

9 (4) ~~A person~~ **AN INDIVIDUAL** who violates this section is guilty
10 of a misdemeanor ~~,~~ punishable by imprisonment for not more than 93
11 days ~~,~~ or a fine of not less than \$500.00 or more than \$1,000.00,
12 or both, and the costs of prosecution. ~~A person~~ **AN INDIVIDUAL** who
13 violates this section a second or subsequent time is guilty of a
14 misdemeanor ~~,~~ punishable by imprisonment for not more than 1 year ~~,~~
15 or a fine of not less than \$1,000.00 or more than \$2,500.00, or
16 both, and the costs of prosecution. In addition to the penalties
17 provided for in this subsection, any permit or license issued by
18 the department authorizing the ~~person~~ **INDIVIDUAL** to take animals
19 shall be revoked. A prosecution under this section does not
20 preclude prosecution or other action under any other criminal or
21 civil statute.

22 (5) This section does not apply to a peace officer while the
23 peace officer performs his or her lawful duties.

24 Enacting section 1. This amendatory act does not take effect
25 unless Senate Bill No. 927

26 of the 97th Legislature is enacted into law.