

**SUBSTITUTE FOR
HOUSE BILL NO. 5697**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 40118 and 43558 (MCL 324.40118 and 324.43558),
section 40118 as amended by 2017 PA 124 and section 43558 as
amended by 2013 PA 108.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 40118. (1) An individual who violates this part, an order
2 or interim order issued under this part, or a condition of a permit
3 issued under this part, except for a violation specified in
4 subsections (2) to ~~(18)~~, **(19)**, is guilty of a misdemeanor
5 punishable by imprisonment for not more than 90 days ~~7~~ or a fine of
6 not less than \$50.00 or more than \$500.00, or both, and the costs
7 of prosecution. In addition, a permit issued by the department



1 under this part must be revoked pursuant to the administrative
2 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

3 (2) An individual who violates a provision of this part or an
4 order or interim order issued under this part regarding the
5 possession or taking of any game, except deer, bear, wild turkey,
6 wolf, waterfowl, moose, or elk, is guilty of a misdemeanor
7 punishable by imprisonment for not more than 90 days ~~or~~ a fine of
8 not less than \$100.00 or more than \$1,000.00, or both, and the
9 costs of prosecution.

10 (3) Except as otherwise provided in this subsection, an
11 individual who violates a provision of this part or an order or
12 interim order issued under this part regarding the possession or
13 taking of deer, bear, wild turkey, or wolf is guilty of a
14 misdemeanor and shall be punished by imprisonment for not less than
15 5 days or more than 90 days ~~and~~ a fine of not less than \$200.00
16 or more than \$1,000.00, and the costs of prosecution. An individual
17 shall not be punished under this subsection for lawfully removing,
18 capturing, or destroying a wolf under 2008 PA 290, MCL 324.95151 to
19 324.95155, or 2008 PA 318, MCL 324.95161 to 324.95167.

20 (4) An individual who violates a provision of this part or an
21 order or interim order issued under this part regarding the
22 possession or taking of elk is guilty of a misdemeanor punishable
23 by imprisonment for not less than 30 days or more than 180 days ~~or~~
24 or a fine of not less than \$500.00 or more than \$2,000.00, or both,
25 and the costs of prosecution.

26 (5) An individual who violates a provision of this part or an
27 order or interim order issued under this part regarding the
28 possession or taking of moose is guilty of a misdemeanor punishable
29 by imprisonment for not less than 90 days or more than 1 year and a



1 fine of not less than \$1,000.00 or more than \$5,000.00, and the
2 costs of prosecution.

3 (6) An individual who violates a provision of this part or an
4 order or interim order issued under this part regarding the
5 possession or taking of waterfowl is guilty of a misdemeanor
6 punishable by imprisonment for not more than 90 days or a fine of
7 not less than \$250.00 or more than \$500.00, or both, and the costs
8 of prosecution. An individual who violates a provision of this part
9 or an order or interim order issued under this part regarding the
10 possession or taking of waterfowl a second or subsequent time is
11 guilty of a misdemeanor punishable by imprisonment for not more
12 than 90 days or a fine of \$500.00, or both, and the costs of
13 prosecution.

14 (7) An individual sentenced under subsection (3), (14), or
15 (15) shall not secure or possess a license of any kind to hunt
16 during the remainder of the year in which convicted and the next 3
17 succeeding calendar years. An individual sentenced under subsection
18 (11) shall not secure or possess a license to hunt during the
19 remainder of the year in which convicted and the next succeeding
20 calendar year, or longer in the discretion of the court.

21 (8) In addition to the penalties provided for violating this
22 part or an order issued under this part, an individual convicted of
23 the illegal killing, possessing, purchasing, or selling of a bear
24 or an antlered white-tailed deer is subject to the following
25 penalties:

26 (a) For a first offense, the individual shall not secure or
27 possess a license of any kind to hunt for an additional 2 calendar
28 years after the penalties imposed under subsection (7).

29 (b) For a second or subsequent offense, the individual shall



1 not secure or possess a license of any kind to hunt for an
2 additional 7 calendar years after the penalties imposed under
3 subsection (7).

4 (9) In addition to the penalties provided for violating this
5 part or an order issued under this part, an individual convicted of
6 the illegal killing, possessing, purchasing, or selling of a wild
7 turkey shall not secure or possess a license of any kind to hunt
8 for an additional 2 calendar years after the penalties imposed
9 under subsection (7).

10 (10) An individual sentenced under subsection (4) or (5) is
11 subject to the following penalties:

12 (a) For a first offense, the individual shall not secure or
13 possess a license of any kind to hunt for the remainder of the year
14 in which convicted and the next 15 succeeding calendar years.

15 (b) For a second offense, the individual shall not secure or
16 possess a license of any kind to hunt for the remainder of that
17 individual's life.

18 (11) An individual who violates section 40113(1) is guilty of
19 a misdemeanor punishable by imprisonment for not less than 5 days
20 or more than 90 days ~~or~~ a fine of not less than \$100.00 or more
21 than \$500.00, or both, and the costs of prosecution.

22 (12) An individual who violates section 40113(2) is guilty of
23 a misdemeanor punishable by imprisonment for not more than 90 days
24 ~~or~~ a fine of not less than \$50.00 or more than \$500.00, or both,
25 and the costs of prosecution.

26 (13) An individual who violates section 40113(3) is guilty of
27 a misdemeanor punishable by imprisonment for not less than 5 days
28 or more than 90 days and a fine of not less than \$100.00 or more
29 than \$500.00, and the costs of prosecution.



1 (14) An individual who violates a provision of this part or an
2 order or interim order issued under this part regarding the taking
3 or possession of an animal that has been designated by the
4 department to be a protected animal, other than an animal that
5 appears on a list prepared under section 36505, is guilty of a
6 misdemeanor punishable by imprisonment for not more than 90 days or
7 a fine of not less than \$100.00 or more than \$1,000.00, or both,
8 and the costs of prosecution.

9 (15) An individual who buys or sells game or a protected
10 animal in violation of this part or an order or interim order
11 issued under this part is guilty of a misdemeanor punishable by
12 imprisonment for not more than 90 days or a fine of not more than
13 \$1,000.00, or both, for the first offense, and is guilty of a
14 felony for each subsequent offense.

15 (16) An individual who willfully violates a provision of this
16 part or an order or interim order issued under this part by using
17 an illegally constructed snare or cable restraint is guilty of a
18 misdemeanor punishable by imprisonment for not more than 90 days
19 or a fine of \$1,000.00 for the first illegally constructed snare or
20 cable restraint and \$250.00 for each subsequent illegally
21 constructed snare or cable restraint, or both, and the costs of
22 prosecution.

23 (17) An individual who violates a provision of this part or an
24 order or interim order issued under this part regarding the
25 importation of a cervid carcass or parts of a cervid carcass, other
26 than hides, deboned meat, quarters or other parts of a cervid that
27 do not have any part of the spinal column or head attached,
28 finished taxidermy products, cleaned teeth, antlers, or antlers
29 attached to a skullcap cleaned of brain and muscle tissue, from



1 another state or province is guilty of a misdemeanor punishable by
2 imprisonment for not more than 90 days or a fine of not less than
3 \$500.00 or more than \$2,000.00, or both, and the costs of
4 prosecution.

5 (18) If an individual is convicted of a violation of this part
6 or an order or interim order issued under this part and it is
7 alleged in the complaint and proved or admitted at trial or
8 ascertained by the court after conviction that the individual had
9 been previously convicted 2 times within the preceding 5 years for
10 a violation of this part or an order or interim order issued under
11 this part, the individual is guilty of a misdemeanor punishable by
12 imprisonment for not less than 10 days or more than 180 days ~~and~~
13 a fine of not less than \$500.00 or more than \$2,000.00, and costs
14 of prosecution.

15 (19) **An individual who violates a provision of this part or an**
16 **order or interim order issued under this part regarding any of the**
17 **following is responsible for a state civil infraction and may be**
18 **ordered to pay a civil fine of not more than \$150.00:**

19 (a) **Attaching that individual's name, driver license number,**
20 **or sportcard number to a ground blind.**

21 (b) **Attaching that individual's name, driver license number,**
22 **or sportcard number to a tree stand, scaffold, or raised platform.**

23 (c) **Supplemental feeding of deer.**

24 Sec. 43558. (1) A person is guilty of a misdemeanor if the
25 person does any of the following:

26 (a) Makes a false statement as to material facts for the
27 purpose of obtaining a license or uses or attempts to use a license
28 obtained by making a false statement.

29 (b) Affixes to a license a date or time other than the date or



1 time issued.

2 (c) Issues a license without receiving and remitting the fee
3 to the department.

4 (d) ~~Without~~ **Except as otherwise provided in this section,**
5 **without** a license, takes or possesses a wild animal, wild bird, or
6 aquatic species, except aquatic insects. This subdivision does not
7 apply to ~~a person~~ **an individual** less than 17 years of age who
8 without a license takes or possesses aquatic species.

9 (e) Sells, loans, or permits in any manner another ~~person~~
10 **individual** to use the ~~person's~~ **individual's** license or uses or
11 attempts to use another ~~person's~~ **individual's** license.

12 (f) Falsely makes, alters, forges, or counterfeits a sportcard
13 or a hunting, fishing, or fur harvester's license or possesses an
14 altered, forged, or counterfeited hunting, fishing, or fur
15 harvester's license.

16 (g) Uses a tag furnished with a deer license, bear hunting
17 license, elk hunting license, or wild turkey hunting license more
18 than 1 time, or attaches or allows a tag to be attached to a deer,
19 bear, elk, or turkey other than a deer, bear, elk, or turkey
20 lawfully killed by the ~~person~~ **individual**.

21 (h) Except as provided by law, makes an application for,
22 obtains, or purchases more than 1 license for a hunting, fishing,
23 or trapping season, not including a limited fishing license, second
24 deer license, antlerless deer license, or other license
25 specifically authorized by law, or if the applicant's license has
26 been lost or destroyed.

27 (i) Applies for, obtains, or purchases a license during a time
28 that the ~~person~~ **individual** is ineligible to secure a license.

29 (j) Knowingly obtains, or attempts to obtain, a resident or a



1 senior license if that ~~person~~**individual** is not a resident of this
2 state.

3 (2) Except as provided in subsection (5), a person who
4 violates subsection (1) shall be punished by imprisonment for not
5 more than 90 days ~~,~~ or a fine of not less than \$25.00 or more than
6 \$250.00 and the costs of prosecution, or both. In addition, the
7 person shall surrender any license and license tag that was
8 wrongfully obtained.

9 (3) ~~A person~~**An individual** licensed to carry a firearm under
10 this part is prohibited from doing so while under the influence of
11 a controlled substance or alcohol or a combination of a controlled
12 substance and alcohol. ~~A person~~**An individual** who violates this
13 subsection is guilty of a misdemeanor ~~,~~ punishable by imprisonment
14 for 90 days ~~,~~ or a fine of \$500.00, or both.

15 (4) An applicant for a license under this part who has
16 previously been convicted of a violation of the game and fish laws
17 of this state may be required to file an application with the
18 department together with other information that the department
19 considers expedient. The license may be issued by the department.

20 (5) ~~A person~~**An individual** who violates subsection (1)(d),
21 upon a showing that the ~~person~~**individual** was ineligible to secure
22 a license under court order or other lawful authority, is guilty of
23 a misdemeanor ~~,~~ punishable by imprisonment for not more than 180
24 days ~~,~~ or a fine of not less than \$500.00 and not more than
25 \$2,500.00, or both, and the costs of prosecution.

26 (6) **An individual who violates section 43509(2) is responsible**
27 **for a state civil infraction and may be ordered to pay a civil fine**
28 **of not more than \$150.00.**

