

HOUSE BILL NO. 4735

June 19, 2019, Introduced by Reps. VanSingel, Cherry, Love, Brixie, Sneller, Hood and Kuppa and referred to the Committee on Natural Resources and Outdoor Recreation.

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

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, or a fine of



1 not less than \$50.00 or more than \$500.00, or both, and the costs
2 of prosecution. In addition, a permit issued by the department
3 under this part must be revoked pursuant to the administrative
4 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

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

12 (a) **Violates a provision of this part or an order or interim**
13 **order issued under this part regarding the possession or taking of**
14 **any game, except deer, bear, wild turkey, wolf, waterfowl, moose,**
15 **or elk.**

16 (b) Does both of the following:

17 (i) Signs a form under section 5(1)(e) of the freedom of
18 information act, 1976 PA 442, MCL 15.235, indicating that the
19 individual will not use information of game location to take game.

20 (ii) Uses the game location information obtained under the
21 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, to
22 take game, except deer, bear, wild turkey, wolf, waterfowl, moose,
23 or elk.

24 (3) Except as otherwise provided in ~~this subsection~~ (4), an
25 individual who ~~violates a provision of this part or an order or~~
26 ~~interim order issued under this part regarding the possession or~~
27 ~~taking of deer, bear, wild turkey, or wolf **does any of the**~~
28 **following** is guilty of a misdemeanor and shall be punished by
29 imprisonment for not less than 5 days or more than 90 days, and a



1 fine of not less than \$200.00 or more than \$1,000.00, and the costs
2 of prosecution:

3 (a) Violates a provision of this part or an order or interim
4 order issued under this part regarding the possession or taking of
5 deer, bear, wild turkey, or wolf.

6 (b) Does both of the following:

7 (i) Signs a form under section 5(1)(e) of the freedom of
8 information act, 1976 PA 442, MCL 15.235, indicating that the
9 individual will not use information of game location to take game.

10 (ii) Uses the game location information obtained under the
11 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, to
12 take deer, bear, wild turkey, or wolf.

13 (4) An individual shall not be punished under ~~this~~ subsection
14 (3) for lawfully removing, capturing, or destroying a wolf under
15 2008 PA 290, MCL 324.95151 to 324.95155, or 2008 PA 318, MCL
16 324.95161 to 324.95167.

17 (5) ~~(4) An individual who violates a provision of this part or~~
18 ~~an order or interim order issued under this part regarding the~~
19 ~~possession or taking of elk~~ **does any of the following** is guilty of
20 a misdemeanor punishable by imprisonment for not less than 30 days
21 or more than 180 days, or a fine of not less than \$500.00 or more
22 than \$2,000.00, or both, and the costs of prosecution:

23 (a) Violates a provision of this part or an order or interim
24 order issued under this part regarding the possession or taking of
25 elk.

26 (b) Does both of the following:

27 (i) Signs a form under section 5(1)(e) of the freedom of
28 information act, 1976 PA 442, MCL 15.235, indicating that the
29 individual will not use information of game location to take game.



1 (ii) Uses the game location information obtained under the
2 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, to
3 take elk.

4 (6) ~~(5)~~—An individual who violates a provision of this part or
5 an order or interim order issued under this part regarding the
6 possession or taking of moose **does any of the following** is guilty
7 of a misdemeanor punishable by imprisonment for not less than 90
8 days or more than 1 year and a fine of not less than \$1,000.00 or
9 more than \$5,000.00, and the costs of prosecution:

10 (a) Violates a provision of this part or an order or interim
11 order issued under this part regarding the possession or taking of
12 moose.

13 (b) Does both of the following:

14 (i) Signs a form under section 5(1)(e) of the freedom of
15 information act, 1976 PA 442, MCL 15.235, indicating that the
16 individual will not use information of game location to take game.

17 (ii) Uses the game location information obtained under the
18 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, to
19 take moose.

20 (7) ~~(6)~~—An individual who violates a provision of this part or
21 an order or interim order issued under this part regarding the
22 possession or taking of waterfowl is guilty of a misdemeanor
23 punishable by imprisonment for not more than 90 days or a fine of
24 not less than \$250.00 or more than \$500.00, or both, and the costs
25 of prosecution. An individual who violates a provision of this part
26 or an order or interim order issued under this part regarding the
27 possession or taking of waterfowl a second or subsequent time is
28 guilty of a misdemeanor punishable by imprisonment for not more
29 than 90 days or a fine of \$500.00, or both, and the costs of



1 prosecution.

2 **(8)** ~~(7)~~—An individual sentenced under subsection (3), ~~(14)~~, ~~or~~
3 (15), **or (16)** shall not secure or possess a license of any kind to
4 hunt during the remainder of the year in which convicted and the
5 next 3 succeeding calendar years. An individual sentenced under
6 subsection ~~(11)~~—**(12)** shall not secure or possess a license to hunt
7 during the remainder of the year in which convicted and the next
8 succeeding calendar year, or longer in the discretion of the court.

9 **(9)** ~~(8)~~—In addition to the penalties provided for violating
10 this part or an order issued under this part, an individual
11 convicted of the illegal killing, possessing, purchasing, or
12 selling of a bear or an antlered white-tailed deer is subject to
13 the following penalties:

14 (a) For a first offense, the individual shall not secure or
15 possess a license of any kind to hunt for an additional 2 calendar
16 years after the penalties imposed under subsection ~~(7)~~—**(8)**.

17 (b) For a second or subsequent offense, the individual shall
18 not secure or possess a license of any kind to hunt for an
19 additional 7 calendar years after the penalties imposed under
20 subsection ~~(7)~~—**(8)**.

21 **(10)** ~~(9)~~—In addition to the penalties provided for violating
22 this part or an order issued under this part, an individual
23 convicted of the illegal killing, possessing, purchasing, or
24 selling of a wild turkey shall not secure or possess a license of
25 any kind to hunt for an additional 2 calendar years after the
26 penalties imposed under subsection ~~(7)~~—**(8)**.

27 **(11)** ~~(10)~~—An individual sentenced under subsection ~~(4)~~ ~~or~~ (5)
28 **or (6)** is subject to the following penalties:

29 (a) For a first offense, the individual shall not secure or



1 possess a license of any kind to hunt for the remainder of the year
2 in which convicted and the next 15 succeeding calendar years.

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

6 (12) ~~(11)~~—An individual who violates section 40113(1) is
7 guilty of a misdemeanor punishable by imprisonment for not less
8 than 5 days or more than 90 days, or a fine of not less than
9 \$100.00 or more than \$500.00, or both, and the costs of
10 prosecution.

11 (13) ~~(12)~~—An individual who violates section 40113(2) is
12 guilty of a misdemeanor punishable by imprisonment for not more
13 than 90 days, or a fine of not less than \$50.00 or more than
14 \$500.00, or both, and the costs of prosecution.

15 (14) ~~(13)~~—An individual who violates section 40113(3) is
16 guilty of a misdemeanor punishable by imprisonment for not less
17 than 5 days or more than 90 days and a fine of not less than
18 \$100.00 or more than \$500.00, and the costs of prosecution.

19 (15) ~~(14)~~—An individual who violates a provision of this part
20 or an order or interim order issued under this part regarding the
21 taking or possession of an animal that has been designated by the
22 department to be a protected animal, other than an animal that
23 appears on a list prepared under section 36505, is guilty of a
24 misdemeanor punishable by imprisonment for not more than 90 days or
25 a fine of not less than \$100.00 or more than \$1,000.00, or both,
26 and the costs of prosecution.

27 (16) ~~(15)~~—An individual who buys or sells game or a protected
28 animal in violation of this part or an order or interim order
29 issued under this part is guilty of a misdemeanor punishable by



1 imprisonment for not more than 90 days or a fine of not more than
2 \$1,000.00, or both, for the first offense, and is guilty of a
3 felony for each subsequent offense.

4 **(17)** ~~(16)~~—An individual who willfully violates a provision of
5 this part or an order or interim order issued under this part by
6 using an illegally constructed snare or cable restraint is guilty
7 of a misdemeanor punishable by imprisonment for not more than 90
8 days, or a fine of \$1,000.00 for the first illegally constructed
9 snare or cable restraint and \$250.00 for each subsequent illegally
10 constructed snare or cable restraint, or both, and the costs of
11 prosecution.

12 **(18)** ~~(17)~~—An individual who violates a provision of this part
13 or an order or interim order issued under this part regarding the
14 importation of a cervid carcass or parts of a cervid carcass, other
15 than hides, deboned meat, quarters or other parts of a cervid that
16 do not have any part of the spinal column or head attached,
17 finished taxidermy products, cleaned teeth, antlers, or antlers
18 attached to a skullcap cleaned of brain and muscle tissue, from
19 another state or province is guilty of a misdemeanor punishable by
20 imprisonment for not more than 90 days or a fine of not less than
21 \$500.00 or more than \$2,000.00, or both, and the costs of
22 prosecution.

23 **(19)** ~~(18)~~—If an individual is convicted of a violation of this
24 part or an order or interim order issued under this part and it is
25 alleged in the complaint and proved or admitted at trial or
26 ascertained by the court after conviction that the individual had
27 been previously convicted 2 times within the preceding 5 years for
28 a violation of this part or an order or interim order issued under
29 this part, the individual is guilty of a misdemeanor punishable by



1 imprisonment for not less than 10 days or more than 180 days, and a
2 fine of not less than \$500.00 or more than \$2,000.00, and costs of
3 prosecution.

4 Enacting section 1. This amendatory act does not take effect
5 unless Senate Bill No. _____ or House Bill No. 4736 (request no.
6 02153'19 a) of the 100th Legislature is enacted into law.

