

HOUSE BILL NO. 4135

February 22, 2023, Introduced by Reps. Friske, Carra and Rigas and referred to the Committee on Natural Resources, Environment, Tourism 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 2022 PA 23.

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 ~~(19)~~, **(20)**, is guilty of a misdemeanor

1 punishable by imprisonment for not more than 90 days or a fine of
2 not less than \$50.00 or more than \$500.00, or both, and the costs
3 of prosecution. In addition, a permit issued by the department
4 under this part must be revoked pursuant to the administrative
5 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

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

13 (3) Except as otherwise provided in this subsection **or**
14 **subsection (20)**, an individual who violates a provision of this
15 part or an order or interim order issued under this part regarding
16 the possession or taking of deer, bear, wild turkey, or wolf is
17 guilty of a misdemeanor and may be imprisoned for not more than 90
18 days, shall be fined not less than \$200.00 or more than \$1,000.00,
19 and shall be ordered to pay the costs of prosecution. An individual
20 shall not be punished under this subsection for lawfully removing,
21 capturing, or destroying a wolf under 2008 PA 290, MCL 324.95151 to
22 324.95155, or 2008 PA 318, MCL 324.95161 to 324.95167.

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

29 (5) An individual who violates a provision of this part or an

1 order or interim order issued under this part regarding the
2 possession or taking of moose is guilty of a misdemeanor punishable
3 by imprisonment for not more than 1 year and a fine of not less
4 than \$1,000.00 or more than \$5,000.00, and the costs of
5 prosecution.

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

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

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

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

1 possess a license of any kind to hunt for an additional 2 calendar
2 years after the penalties imposed under subsection (7).

3 (b) For a second or subsequent offense, the individual shall
4 not secure or possess a license of any kind to hunt for an
5 additional 7 calendar years after the penalties imposed under
6 subsection (7).

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

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

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

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

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

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

29 (13) An individual who violates section 40113(3) is guilty of

1 a misdemeanor punishable by imprisonment for not more than 90 days
2 or a fine of not less than \$100.00 or more than \$500.00, or both,
3 and the costs of prosecution.

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

12 (15) An individual who buys or sells game or a protected
13 animal in violation of this part or an order or interim order
14 issued under this part is guilty of a misdemeanor punishable by
15 imprisonment for not more than 90 days or a fine of not more than
16 \$1,000.00, or both, for the first offense, and is guilty of a
17 felony for each subsequent offense.

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

26 (17) An individual who violates a provision of this part or an
27 order or interim order issued under this part regarding the
28 importation of a cervid carcass or parts of a cervid carcass, other
29 than hides, deboned meat, quarters or other parts of a cervid that

1 do not have any part of the spinal column or head attached,
2 finished taxidermy products, cleaned teeth, antlers, or antlers
3 attached to a skullcap cleaned of brain and muscle tissue, from
4 another state or province is guilty of a misdemeanor punishable by
5 imprisonment for not more than 90 days or a fine of not less than
6 \$500.00 or more than \$2,000.00, or both, and the costs of
7 prosecution.

8 (18) If an individual is convicted of a violation of this part
9 or an order or interim order issued under this part and it is
10 alleged in the complaint and proved or admitted at trial or
11 ascertained by the court after conviction that the individual had
12 been previously convicted 2 times within the preceding 5 years for
13 a violation of this part or an order or interim order issued under
14 this part, the individual is guilty of a misdemeanor punishable by
15 imprisonment for not more than 180 days or a fine of not less than
16 \$500.00 or more than \$2,000.00, or both, and the costs of
17 prosecution.

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

22 (a) Attaching that individual's name, driver license number,
23 or sportcard number to a ground blind.

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

26 (c) Supplemental feeding of deer.

27 **(20) The commission shall not issue an order or interim order**
28 **requiring a hunter to report the harvest of game or retain a**
29 **harvest confirmation number for that game. An individual who**

1 violated a provision of this part or an order or interim order
2 issued under this part regarding the reporting of a deer harvest or
3 retention of a deer harvest confirmation number is not subject to a
4 fine or imprisonment for that violation.