

SENATE BILL NO. 46

February 01, 2023, Introduced by Senators HOITENGA, THEIS, DAMOOSE, OUTMAN, RUNESTAD, MCBROOM, HAUCK and LAUWERS and referred to the Committee on Natural Resources and Agriculture.

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), is guilty of a misdemeanor punishable by
5 imprisonment for not more than 90 days or a fine of not less than

1 \$50.00 or more than \$500.00, or both, and the costs of prosecution.
2 In addition, a permit issued by the department under this part must
3 be revoked pursuant to the administrative procedures act of 1969,
4 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, is guilty of a misdemeanor
9 punishable by imprisonment for not more than 90 days or a fine of
10 not less than \$100.00 or more than \$1,000.00, or both, and the
11 costs of prosecution.

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

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

28 (5) An individual who violates a provision of this part or an
29 order or interim order issued under this part regarding the

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

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

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

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

28 (a) For a first offense, the individual shall not secure or
29 possess a license of any kind to hunt for an additional 2 calendar

1 years after the penalties imposed under subsection (7).

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

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

12 (10) An individual sentenced under subsection (4) or (5) is
13 subject to 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 the remainder of the year
16 in which convicted and the next 15 succeeding calendar years.

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

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

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

28 (13) An individual who violates section 40113(3) is guilty of
29 a misdemeanor punishable by imprisonment for not more than 90 days

1 or a fine of not less than \$100.00 or more than \$500.00, or both,
2 and the costs of prosecution.

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

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

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

25 (17) An individual who violates a provision of this part or an
26 order or interim order issued under this part regarding the
27 importation of a cervid carcass or parts of a cervid carcass, other
28 than hides, deboned meat, quarters or other parts of a cervid that
29 do not have any part of the spinal column or head attached,

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

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

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

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

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

25 (c) Supplemental feeding of deer.

26 **(d) Reporting of a deer harvest or retention of a deer harvest**
27 **confirmation number.**