

SUBSTITUTE FOR
HOUSE BILL NO. 4424

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 40118 (MCL 324.40118), as amended by 2015 PA
188.

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 ~~(17)~~, **(18)**, is guilty of a misdemeanor
5 punishable by imprisonment for not more than 90 days, 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
8 under this part ~~shall~~ **MUST** be revoked pursuant to the
9 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to

1 24.328.

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

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

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

25 (5) An individual who violates a provision of this part or an
26 order or interim order issued under this part regarding the
27 possession or taking of moose is guilty of a misdemeanor ~~and shall~~

1 ~~be punished~~ **PUNISHABLE** by imprisonment for not less than 90 days or
2 more than 1 year and a fine of not less than \$1,000.00 or more than
3 \$5,000.00, and the costs of prosecution.

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

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

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

27 (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 less than 5 days
23 or more than 90 days, or a fine of not less than \$100.00 or more
24 than \$500.00, or both, 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,

1 and the costs of prosecution.

2 (13) An individual who violates section 40113(3) is guilty of
3 a misdemeanor ~~and shall be punished~~ **PUNISHABLE** by imprisonment for
4 not less than 5 days or more than 90 days and a fine of not less
5 than \$100.00 or more than \$500.00, and the costs of prosecution.

6 (14) An individual who violates a provision of this part or an
7 order or interim order issued under this part regarding the taking
8 or possession of an animal that has been designated by the
9 department to be a protected animal, other than an animal that
10 appears on a list prepared ~~pursuant to~~ **UNDER** section 36505, is
11 guilty of a misdemeanor punishable by imprisonment for not more
12 than 90 days or a fine of not less than \$100.00 or more than
13 \$1,000.00, or both, and the costs of prosecution.

14 (15) An individual who buys or sells game or a protected
15 animal in violation of this part or an order or interim order
16 issued under this part is guilty of a misdemeanor punishable by
17 imprisonment for not more than 90 days or a fine of not more than
18 \$1,000.00, or both, for the first offense, and is guilty of a
19 felony for each subsequent offense.

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

House Bill No. 4424 as amended May 30, 2017

1 (17) AN INDIVIDUAL WHO VIOLATES A PROVISION OF THIS PART OR AN
2 ORDER OR INTERIM ORDER ISSUED UNDER THIS PART REGARDING THE
3 IMPORTATION OF A CERVID CARCASS OR PARTS OF A CERVID CARCASS, OTHER
4 THAN HIDES, DEBONED MEAT, QUARTERS OR OTHER PARTS OF A CERVID THAT
5 DO NOT HAVE ANY PART OF THE SPINAL COLUMN OR HEAD ATTACHED,
6 FINISHED TAXIDERMY PRODUCTS, CLEANED TEETH, ANTLERS, OR ANTLERS
7 ATTACHED TO A SKULLCAP CLEANED OF BRAIN AND MUSCLE TISSUE, FROM
8 ANOTHER STATE OR PROVINCE IS GUILTY OF A MISDEMEANOR PUNISHABLE BY
9 IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF NOT LESS THAN
10 \$500.00 OR MORE THAN \$2,000.00, OR BOTH, AND THE COSTS OF
11 PROSECUTION.

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

22 Enacting section 1. This amendatory act takes effect 90 days
23 after the date it is enacted into law.

<<Enacting section 2. This amendatory act may be referred to as the
"John Kivela amendatory act".>>