

HOUSE BILL No. 4424

March 28, 2017, Introduced by Reps. Kivela, Howell, Bellino, Sowerby, Cole, VanderWall, Rendon, Maturen and Chang and referred to the Committee on Natural Resources.

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

1 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
2 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 or
16 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 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

1 possession or taking of moose is guilty of a misdemeanor and shall
2 be punished by imprisonment for not less than 90 days or more than
3 1 year and a fine of not less than \$1,000.00 or more than
4 \$5,000.00, and the costs of 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:

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

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

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

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

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

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

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

26 (12) An individual who violates section 40113(2) is guilty of
27 a misdemeanor punishable by imprisonment for not more than 90 days,

1 or a fine of not less than \$50.00 or more than \$500.00, or both,
2 and the costs of prosecution.

3 (13) An individual who violates section 40113(3) is guilty of
4 a misdemeanor and shall be punished by imprisonment for not less
5 than 5 days or more than 90 days and a fine of not less than
6 \$100.00 or more than \$500.00, and the costs of prosecution.

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

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

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

1 prosecution.

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

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

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