



Olds Plaza Building, 10th Floor  
Lansing, Michigan 48909  
Phone: 517/373-6466

## **HARASSMENT OF HUNTERS AND FISHERS**

**House Bill 5775**

**Sponsor: Rep. David Jaye**

**Senate Bill 963 (Substitute S-2)**

**Senate Bill 965 (Substitute S-1)**

**Senate Bill 966 (Substitute S-2)**

**Sponsor: Senator Robert Geake**

**House Committee: Conservation,  
Environment and Great Lakes**

**Senate Committee: Natural Resources  
and Environmental Affairs**

**Complete to 5-12-96**

### **A SUMMARY OF HOUSE BILL 5775 AS INTRODUCED 4-18-96, AND SENATE BILL 963 (S-2), SENATE BILL 965 (S-1), AND SENATE BILL 966 (S-2)**

The Natural Resources and Environmental Protection Act (NREPA) prohibits a person from obstructing or interfering with the lawful taking of animals by another person with the intent to prevent that lawful taking. House Bill 5775 and Senate Bills 963, 965, and 966 would amend the NREPA to extend the prohibition to the obstruction or interference with the lawful taking of fish and aquatic species and to provide additional penalties for a violation of provisions against harassing hunters and fishers.

House Bill 5775 and Senate Bill 963 (Substitute S-2) would add new sections to Part 487 of NREPA ((MCL 324. 48702b and MCL 324.48702a, respectively), concerning sport fishing, to prohibit a person from obstructing or interfering in the lawful taking of aquatic species by another person. Senate Bill 963 would define "aquatic species" would be defined to mean fish, reptiles, mollusks, crustacea, minnows, wigglers, and amphibians of the class Amphibia. "Take" and "taking" would mean to fish for by any lawful method, catch, kill, capture, trap, or shoot any species of fish, reptiles, amphibians, mollusks, wigglers, or crustacea regulated under Part 487, or to attempt to engage in any such activity. "Vessel" would mean every description of watercraft used or capable of being used as a means of transportation on water. A person would be in violation of this prohibition if he or she intentionally or knowingly operated a vessel or device or waded or swam in order to significantly alter the behavior of aquatic species; attempted to hinder or prevent the lawful taking of an aquatic species by throwing a stone or other inert material, or driving, herding, or disturbing an aquatic species, or by blocking, impeding, or harassing a person engaged in lawfully taking an aquatic species; using a visual, aural, olfactory, gustatory, or physical stimulus to affect aquatic species; erecting barriers to deny ingress or egress to fishing areas (unless the barriers were erected to prevent trespassing on private property); interjecting himself or herself into the area where nets, fishing lines, or traps could be placed; affecting the condition or placement of personal or private property intended for use by a person lawfully taking aquatic species; entering or remaining

upon private lands without the permission of the owner or the owner's agent, or engaging in any other act or behavior in order to violate these provisions. House Bill 5775 would add a new section to the NREPA to specify that a violation of the provisions of Senate Bill 963 would be a misdemeanor, punishable by imprisonment for up to 90 days, a fine of no less than \$500 or more than \$1,000, or both, and the costs of prosecution. If petitioned by an aggrieved person or one who reasonably could be aggrieved by a violation of the provisions of Senate 963, a court of competent jurisdiction could enjoin the conduct, upon a showing that a person was engaged in and threatened to continue to engage in illegal conduct.

Senate Bill 963 and House Bill 5775 are tie-barred to each other.

Senate Bill 965 (Substitute S-1) would amend Part 401 of the NREPA (MCL 324.40112), concerning wildlife conservation, to add to the list of activities that constitute a violation of the prohibition against interfering with the lawful taking of animals "knowingly or intentionally engaging in any other act or behavior for the purpose of violating the prohibition." The bill would also increase, from 90 to 93 days, the maximum jail sentence for a violation of the prohibition, and would specify that the penalty for a second or subsequent violation would be imprisonment for up to one year, a fine of at least \$1,000 but not more than \$2,500, or both, plus the costs of prosecution. In addition, the bill would specify that a prosecution under the bill would not preclude prosecution or other action under any other criminal or civil statute.

Senate Bill 966 (Substitute S-2) would add a new section (MCL 324.47301a) to Part 473 of the NREPA, concerning commercial fishing, to prohibit a person from obstructing or interfering in the lawful taking of fish by a person licensed under that part of the code. The bill contains the same provisions as House Bill 5775 and Senate Bill 963, except that the maximum fine for a first violation of the prohibition against taking fish would be \$5,000, and the maximum fine for a second and subsequent violation would be \$10,000. The bill would also specify that its provisions would not apply to a peace officer performing his or her lawful duties.

---

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.