



Senate Fiscal Agency
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BILL



ANALYSIS

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House Bill 5775 (Substitute H-1 as passed by the House)

Sponsor: Representative David Jaye

House Committee: Conservation, Environment and Great Lakes

Senate Committee: Natural Resources and Environmental Affairs

Date Completed: 5-23-96

CONTENT

The bill would amend Part 487 (Sport Fishing) of the Natural Resources and Environmental Protection Act to establish a penalty for the violation of Section 48702a (which Senate Bill 963 would add to prohibit a person from obstructing, or interfering with, the lawful taking of aquatic species). A violator would be guilty of a misdemeanor, punishable by imprisonment for up to 93 days, or a fine of not less than \$500 or more than \$1,000, or both, and the costs of prosecution. A second or subsequent violation would be punishable by 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, any permit or license issued by the Department of Natural Resources authorizing the person to take aquatic species would be revoked. A prosecution under these provisions would not preclude prosecution or other action under any other criminal or civil statute.

If petitioned by an aggrieved person or a person who reasonably could be aggrieved by a violation of Section 48702a, a court of competent jurisdiction, upon a showing that a person was engaged in and threatened to continue to engage in illegal conduct, could enjoin the conduct.

The bill specifies that Section 48702a would not apply to a peace officer while he or she performed his or her lawful duties.

The bill is tie-barred to Senate Bill 963, and would take effect July 1, 1996.

Proposed MCL 324.48702b

Legislative Analyst: S. Margules

FISCAL IMPACT

The bill would have no fiscal impact on the Department of Corrections, yet could result in increased local costs for prosecuting and sanctioning convicted violators of the bill. There are no data currently available that might indicate the expected number of annual violations. The bills could generate increased revenues to the State from criminal fines and penalties.

Fiscal Analyst: M. Hansen

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