



SENATE BILL No. 965

April 18, 1996, Introduced by Senators GEAKE, BENNETT, DUNASKISS, MC MANUS, GAST, BOUCHARD, DINGELL, KOIVISTO, HOFFMAN, YOUNG, NORTH, BERRYMAN, GOUGEON, SHUGARS, STEIL, EMMONS, CISKY, STILLE, CONROY, MILLER, BYRUM, PETERS, CARL and ROGERS and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend section 40112 of Act No. 451 of the Public Acts of 1994, entitled "Natural resources and environmental protection act," as added by Act No. 57 of the Public Acts of 1995, being section 324.40112 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 40112 of Act No. 451 of the Public Acts
2 of 1994, as added by Act No. 57 of the Public Acts of 1995, being
3 section 324.40112 of the Michigan Compiled Laws, is amended to
4 read as follows:

5 Sec. 40112. (1) A person shall not obstruct or interfere in
6 the lawful taking of animals by another person. ~~with the intent~~
7 ~~to prevent that lawful taking.~~

8 (2) A person violates this section when the person
9 intentionally or knowingly does any of the following:

1 (a) Drives or disturbs animals for the purpose of disrupting
2 a lawful taking.

3 (b) Blocks, impedes, or harasses another person who is
4 engaged in the process of lawfully taking an animal.

5 (c) Uses a natural or artificial visual, aural, olfactory,
6 gustatory, or physical stimulus to affect animal behavior in
7 order to hinder or prevent the lawful taking of an animal.

8 (d) Erects barriers with the intent to deny ingress or
9 egress to areas where the lawful taking of animals may occur.
10 This subdivision does not apply to a person who erects barriers
11 to prevent trespassing on his or her property.

12 (e) Intentionally interjects himself or herself into the
13 line of fire of a person lawfully taking wildlife.

14 (f) Affects the condition or placement of personal or public
15 property intended for use in the lawful taking of an animal in
16 order to impair the usefulness of the property or prevent the use
17 of the property.

18 (g) Enters or remains upon private lands without the permis-
19 sion of the owner or the owner's agent, with intent to violate
20 this section.

21 (H) ENGAGES IN ANY OTHER ACT OR BEHAVIOR WITH INTENT TO VIO-
22 LATE THIS SECTION.

23 (3) Upon petition of an aggrieved person or a person who
24 reasonably may be aggrieved by a violation of this section, a
25 court of competent jurisdiction, upon a showing that a person was
26 engaged in and threatens to continue to engage in illegal conduct
27 under this section, may enjoin that conduct.

1 (4) A person who violates this section is guilty of a
2 misdemeanor, punishable by imprisonment for not more than
3 90 days, or a fine of not less than \$500.00 or more than
4 \$1,000.00, or both, and the costs of prosecution. In addition,
5 any permit or license issued by the department authorizing the
6 person to take animals shall be revoked.

7 (5) This section does not apply to a peace officer while the
8 peace officer performs his or her lawful duties.