

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 1258 (Substitute S-2 as reported)
Sponsor: Senator Christopher D. Dingell
Committee: Hunting, Fishing and Forestry

Date Completed: 11-19-98

RATIONALE

Under the Wildlife Conservation Order issued by the Natural Resources Commission, a person must not make use of a pit, pitfall, deadfall, cage, snare, trap, net, baited hook, or similar device, or a drug, poison, anticoagulant, smoke, gas, explosive, weasel, ferret, fitchew, artificial light, crossbow, arbalest, spear, or mechanical device (other than a firearm, slingshot, or bow and arrow) for the purpose of taking an animal or driving an animal out of its hole or home. The Order, however, allows a blind person to use a laser sighting device to take an animal during lawful hunting hours for that animal if the blind person is accompanied and assisted by a sighted person who is at least 18 years of age and possesses a hunting license or certificate of completion of training in hunter safety issued by this State, another state, a province of Canada, or another country; and the blind person possesses proof of blindness in the form of an official State identification card.

In addition, the Natural Resources and Environmental Protection Act (NREPA) currently allows the Department of Natural Resources (DNR) to issue a crossbow permit to a person who is certified as being permanently disabled if the person holds a hunting license under the Act. Some people believe that the statute also should specify that a visually disabled person could use a laser sighting device to take an animal with a crossbow.

CONTENT

The bill would amend Part 401 (Wildlife Conservation) of the NREPA to allow a visually disabled person to use a laser sighting device to take an animal with a crossbow if all of the following conditions were met:

- The visually disabled person held a hunting

license under the Act and complied with all other laws and rules for taking the animal.

- The person was accompanied or assisted by a person who was not visually disabled, who was at least 18 years of age and possessed a hunting license or a certificate of completion of training in hunter safety issued by this State, another state, a province of Canada, or another country. The person who was not visually disabled would have to furnish the license or certificate upon the request of a peace officer.
- The visually disabled person possessed a proof of serious visual disability in the form of an official State personal identification card issued under the authority of the Secretary of State, and furnished the proof of serious visual disability upon the request of a peace officer.
- If the animal were a deer, bear, elk, or turkey, the arrow, bolt, or quarrel used had a long broadhead hunting type of point at least 7/8 of an inch wide and at least 14 inches long.

(The term "visually disabled person" would mean a person with a serious visual disability as defined by the Department of Community Health. "Crossbow" would mean a weapon consisting of a bow mounted transversely on a stock or frame and designed to fire an arrow, bolt, or quarrel by the release of a bow string that was controlled by a mechanical or electric trigger and had a working safety and a draw weight of 100 pounds or more.)

In addition, the DNR currently may issue a crossbow permit to a person who is certified as being permanently disabled if the person holds a hunting license under the Act and complies with all other laws and rules for the taking of game. The Act requires a physician and a physical therapist to

determine if the person is qualified to receive a permit under the provision. The bill would replace physical therapist with qualified medical professional.

MCL 324.40102 et. al

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The current law prohibits a person who is not permanently disabled to take an animal with a crossbow or any artificial light. The bill would allow a visually disabled person to use a laser sighting device to take an animal with a crossbow under specific circumstances. A crossbow with a laser sighting device would provide an opportunity for a visually disabled person to participate fully in the sport of bow hunting. In addition, the bill would make the NREPA consistent with the Wildlife Conservation Order in this respect.

Opposing Argument

Reportedly, there has been some controversy in states that allow crossbow hunting for all persons. Crossbows apparently do not provide the challenge of instinctive handbow aiming, since handbows are held at full draw with the shooter's muscles as he or she aims, while crossbows are held in the cocked position and released mechanically. Some bow hunters feel that crossbows are more accurate and easily mastered than handbows and that they provide an unfair advantage.

Response: Most people would accept crossbow use during archery season if it were limited to physically handicapped shooters.

Legislative Analyst: N. Nagata

FISCAL IMPACT

The bill could result in a minimal indeterminate increase in revenue to the Game and Fish Protection Fund from sales of bow hunting permits to blind persons.

Fiscal Analyst: G. Cutler

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.