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SFA



BILL ANALYSIS

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House Bill 5366 (Substitute H-2 as reported without amendment)
Sponsor: Representative Allen Lowe
House Committee: Conservation, Environment and Recreation
Senate Committee: Hunting, Fishing and Forestry

Date Completed: 11-24-98

RATIONALE

Hunters in Michigan have the right to enjoy their sport free from unreasonable and deliberate interference by those opposed to hunting as a legitimate use of public land and other natural resources. Under Part 401 of the Natural Resources and Environmental Protection Act, a person is prohibited from obstructing or interfering with the lawful taking of animals by another person with the intent to prevent that lawful taking. (See **BACKGROUND** for more information on the law.)

The Department of Natural Resources (DNR) suggests that individuals should promptly report any obstruction of or interference with the lawful taking of game to the DNR toll-free complaint hotline (which is also the DNR's "Report All Poaching" hotline), a local conservation officer, or the nearest DNR office facility. It also suggests that hunters and fishers should know "who, what, where, when, and how" when reporting any physical or other deliberate antihunter or antiangler confrontation. Some people believe that the law should go further by providing rewards for information that led to the arrest of persons who harassed hunters or fishers.

CONTENT

The bill would amend Part 435 (Hunting and Fishing Licenses) of the Natural Resources and Environmental Protection Act to require the DNR to spend money in the Wildlife Resource Protection Fund for rewards leading to the arrest and prosecution of persons who obstructed or interfered in the lawful taking of animals or aquatic species in violation of Section 40112 or 48702a of the Act, which prohibit obstruction or interference in the lawful taking of animals or aquatic species by another.

The bill would create a \$5,000 reward for a violation involving the killing of a person engaged in lawfully taking an animal or aquatic species. A person whose lawful taking of an animal or aquatic species was obstructed or interfered with would not be eligible to receive a reward under the bill.

In addition, the bill would require the DNR to spend money in the Fund for a promotional or educational campaign to inform the general public on how to identify and report persons who obstructed or interfered in the lawful taking of animals or aquatic species in violation of the Act, and the reward for information that led to their arrest and prosecution.

Currently, money in the Fund must be spent by the DNR for rewards for information leading to the arrest and prosecution of poachers; hiring conservation officers for the investigation of poaching; and a promotional and educational campaign to inform the general public on the harm and danger of poaching and the reward for information that leads to the arrest and prosecution of poachers.

MCL 324.43555

BACKGROUND

Part 401 was passed in 1990 because some hunters reportedly were concerned that certain radical groups, in the name of animal rights, would launch organized attempts to interfere with hunters' legal right to take game. Although at the time no incidents of hunter harassment apparently had been documented in Michigan, some other states reportedly had experienced confrontations between hunters and animal rights activists. In order to ensure that Michigan's hunters had unimpeded access to hunting areas and the wildlife in those

areas, some felt that techniques of hunter harassment and impairment should be statutorily prohibited. In 1996, Public Acts 315, 317, and 318 extended protection against harassment and interference to the State's sport and commercial fishers; provided the same penalties for a violation; and specified penalties for repeated violations of the prohibitions.

Currently, a violation of Part 401 is a misdemeanor punishable by imprisonment for up to 93 days and/or a fine of at least \$500 but not more than \$1,000, plus the costs of prosecution. A second or subsequent violation is 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.

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 DNR supports hunting as a legitimate form of recreation and as a useful tool in the management of the wildlife resource. The taking of animals by hunters and fishers is an important population control mechanism and is part of the ecological principles that maintain a balance among various species. Hunting and fishing have long been popular outdoor activities in Michigan, and the right of people to engage in those activities is protected. The positive contributions that hunting and fishing have made to Michigan's economy and environment and to the enjoyment of its residents and tourists should be encouraged. The bill would provide such encouragement by offering a reward for reporting the harassment of, or interference with, the sport of hunting and fishing in Michigan. In addition, since a reward could be made only if the reported information resulted in an arrest and prosecution, the bill would contribute to the conviction of violators.

Opposing Argument

The bill would provide rewards only to third parties who witnessed and reported an obstruction or inference in the lawful taking of animals or aquatic species leading to an arrest and prosecution. It specifies that a person whose lawful taking of an animal or aquatic species was obstructed or interfered with would not be eligible to receive a reward. The hunter or angler who was being harassed also should receive a reward for reporting the obstruction or interference.

Response: Limiting the reward to a third party who witnessed and reported hunter or fisher harassment could avoid incidents of false accusations or fraudulent claims.

Legislative Analyst: N. Nagata

FISCAL IMPACT

The bill could increase costs to the State a minimal amount, depending on the number and type of rewards for reporting harassment.

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.