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**BILL ANALYSIS**

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House Bill 5710 (Substitute H-2 as reported without amendment)  
Sponsor: Representative Larry DeVuyst  
House Committee: Conservation and Outdoor Recreation  
Senate Committee: Natural Resources and Environmental Affairs

### **CONTENT**

The bill would amend Part 401 (Wildlife Conservation) of the Natural Resources and Environmental Protection Act to provide that the penalties for unlawful possession or taking of game would apply to violations of an order or interim order issued under Part 401, rather than an order or interim order of the Department of Natural Resources (DNR), as currently provided. (The bill therefore would extend the penalties to violations of orders or interim orders issued by the Natural Resources Commission as well as the DNR.)

Currently, the Act imposes penalties for a violation of Part 401, an order or interim order issued by the DNR, or a condition of a permit issued under Part 401. The Act also imposes penalties for a violation of Part 401 or a DNR order or interim order regarding the possession or taking of any game except deer, bear, wild turkey, moose, or elk; the possession or taking of deer, bear, or wild turkey; the possession or taking of elk; the possession or taking of moose; the taking or possession of an animal that has been designated by the Department to be a protected animal; and the buying or selling game or a protected animal.

In addition, the Act imposes penalties for a person who is convicted of a violation of Part 401 or a DNR order or interim order, and it was proved or admitted at trial or ascertained by the court after conviction that the person had been previously convicted two times within the preceding five years for a violation of Part 401 or a DNR order or interim order. The bill would refer to an order or interim order issued under Part 401, instead of a DNR order or interim order.

The Act also provides that in a prosecution for a violation of Part 401 or a DNR order or interim order, the possession of the parts of any game or protected animal, except when permitted, is prima facie evidence that the animal was taken in violation of Part 401. The bill would refer to an order or interim order issued under Part 401, instead of a DNR order or interim order.

MCL 324.40117 & 324.40118

Legislative Analyst: N. Nagata

### **FISCAL IMPACT**

House Bill 5710 (H-2) would have no fiscal impact on the State or local units of government.

There are no data available to indicate how many people take game in violation of the various sections of this Act. To the extent that the misdemeanor penalties for violations would not be changed, the costs of incarceration incurred and the fine revenues received by local units of government would remain constant.

Date Completed: 10-4-00

Fiscal Analyst: K. Firestone

floor/hb5710 (H-2)

Analysis available @ <http://www.michiganlegislature.org>

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.