

SUBSTITUTE FOR
HOUSE BILL NO. 5710

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 40117 and 40118 (MCL 324.40117 and
324.40118), as added by 1995 PA 57.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 40117. In ~~all prosecutions for violations~~ A PROSECU-
2 TION FOR A VIOLATION of this part ~~, a department order autho-~~
3 rized under section 40107, or an interim order of the department
4 OR AN ORDER OR INTERIM ORDER ISSUED UNDER THIS PART, the posses-
5 sion of the parts of any game or protected animal, except when
6 the taking is permitted by this part, is prima facie evidence
7 that the animal was taken in violation of this part by the person
8 possessing the animal.

9 Sec. 40118. (1) A person who violates this part, ~~a~~
10 ~~department order authorized under section 40107, an interim order~~

1 ~~of the department~~ AN ORDER OR INTERIM ORDER ISSUED UNDER THIS
2 PART, or a condition of a permit issued under this part, except
3 for a violation specified in subsections (2) to (12), is guilty
4 of a misdemeanor ~~—~~, punishable by imprisonment for not more than
5 90 days, or a fine of not less than \$50.00 or more than \$500.00,
6 or both, and the costs of prosecution. In addition, a permit
7 issued by the department under this part shall be revoked pursu-
8 ant to the administrative procedures act of 1969, ~~Act No. 306 of~~
9 ~~the Public Acts of 1969, being sections 24.201 to 24.328 of the~~
10 ~~Michigan Compiled Laws 1969 PA 306, MCL 24.201 TO 24.328.~~

11 (2) A person who violates a provision of this part ~~—, a~~
12 ~~department order authorized under section 40107, or an interim~~
13 ~~order of the department,~~ OR AN ORDER OR INTERIM ORDER ISSUED
14 UNDER THIS PART regarding the possession or taking of ~~all~~ ANY
15 game, except deer, bear, wild turkey, moose, or elk, is guilty of
16 a misdemeanor ~~—~~, punishable by imprisonment for not more than 90
17 days, or a fine of not less than \$100.00 or more than \$1,000.00,
18 or both, and the costs of prosecution.

19 (3) A person who violates a provision of this part ~~—, a~~
20 ~~department order authorized under section 40107, or an interim~~
21 ~~order of the department,~~ OR AN ORDER OR INTERIM ORDER ISSUED
22 UNDER THIS PART regarding the possession or taking of deer, bear,
23 or wild turkey is guilty of a misdemeanor ~~—~~, and shall be pun-
24 ished by imprisonment for not less than 5 days or more than
25 90 days, and a fine of not less than \$200.00 or more than
26 \$1,000.00, and the costs of prosecution.

1 (4) A person who violates a provision of this part ~~—, a~~
2 ~~department order authorized under section 40107, or an interim~~
3 ~~order of the department,~~ OR AN ORDER OR INTERIM ORDER ISSUED
4 UNDER THIS PART regarding the possession or taking of elk is
5 guilty of a misdemeanor ~~—,~~ punishable by imprisonment for not
6 less than 30 days or more than 180 days, or a fine of not less
7 than \$500.00 or more than \$2,000.00, or both, and the costs of
8 prosecution.

9 (5) A person who violates a provision of this part ~~—, a~~
10 ~~department order authorized under section 40107, or an interim~~
11 ~~order of the department,~~ OR AN ORDER OR INTERIM ORDER ISSUED
12 UNDER THIS PART regarding the possession or taking of moose is
13 guilty of a misdemeanor ~~—,~~ and shall be punished by imprisonment
14 for not less than 90 days or more than 1 year and a fine of not
15 less than \$1,000.00 or more than \$5,000.00, and the costs of
16 prosecution.

17 (6) A person sentenced pursuant to subsection (3), (4), (5),
18 (10), or (11) shall not secure or possess a license of any kind
19 to hunt during the remainder of the year in which convicted and
20 the next 3 succeeding calendar years. A person sentenced pursu-
21 ant to subsection (7) shall not secure or possess a license to
22 hunt during the remainder of the year in which convicted and the
23 next succeeding calendar year.

24 (7) A person who violates section 40113(1) is guilty of a
25 misdemeanor ~~—,~~ punishable by imprisonment for not less than 5
26 days or more than 90 days, or a fine of not less than \$100.00 or
27 more than \$500.00, or both, and the costs of prosecution.

1 (8) A person who violates section 40113(2) is guilty of a
2 misdemeanor ~~—~~, punishable by imprisonment for not more than 90
3 days, or a fine of not less than \$50.00 or more than \$500.00, or
4 both, and the costs of prosecution.

5 (9) A person who violates section 40113(3) is guilty of a
6 misdemeanor and shall be punished by imprisonment for not less
7 than 5 days or more than 90 days and a fine of not less than
8 \$100.00 or more than \$500.00, and the costs of prosecution.

9 (10) A person who violates a provision of this part ~~—, a~~
10 ~~department order authorized under section 40107, or an interim~~
11 ~~order of the department,~~ OR AN ORDER OR INTERIM ORDER ISSUED
12 UNDER THIS PART regarding the taking or possession of an animal
13 that has been designated by the department to be a protected
14 animal, other than an animal that appears on a list prepared pur-
15 suant to section 36505, is guilty of a misdemeanor ~~—~~, punishable
16 by imprisonment for not more than 90 days or a fine of not less
17 than \$100.00 or more than \$1,000.00, or both, and the costs of
18 prosecution.

19 (11) A person who buys or sells game or a protected animal
20 in violation of this part OR AN ORDER OR INTERIM ORDER ISSUED
21 UNDER THIS PART is guilty of a misdemeanor ~~—~~, punishable by
22 imprisonment for not more than 90 days or a fine of not more than
23 \$1,000.00, or both, for the first offense, and is guilty of a
24 felony for each subsequent offense.

25 (12) If a person is convicted of a violation of this part ~~—~~
26 ~~a department order authorized under section 40107, or an interim~~
27 ~~order of the department~~ OR AN ORDER OR INTERIM ORDER ISSUED

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1 UNDER THIS PART and it is alleged in the complaint and proved or
2 admitted at trial or ascertained by the court after conviction
3 that the person had been previously convicted 2 times within the
4 preceding 5 years for a violation of this part ~~—, a department~~
5 ~~order authorized under section 40107, or an interim order of the~~
6 ~~department~~ OR AN ORDER OR INTERIM ORDER ISSUED UNDER THIS PART,
7 the person is guilty of a misdemeanor ~~—~~ and shall be punished
8 by imprisonment for not less than 10 days or more than 180 days,
9 and a fine of not less than \$500.00 or more than \$2,000.00, and
10 costs of prosecution.