



# HOUSE BILL No. 5710

May 2, 2000, Introduced by Rep. DeVuyst and referred to the Committee on Conservation and Outdoor Recreation.

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 90  
5 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  
18 \$1,000.00, 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 punished  
24 by imprisonment for not less than 5 days or more than 90 days,  
25 and a fine of not less than \$200.00 or more than \$1,000.00, and  
26 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  ~~less~~  
6  ~~than 30 days or~~ more than 180 days, or a fine of not  ~~less than~~  
7  ~~\$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 days~~  
26  ~~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,  
4 or 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 by  
16 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 impris-  
22 onment 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

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 by  
8 imprisonment for not less than 10 days or more than 180 days, and  
9 a fine of not less than \$500.00 or more than \$2,000.00, and costs  
10 of prosecution.