

Natural resources; wildlife; use of artificial lights for the purpose of locating animals; prohibit under certain circumstances.

NATURAL RESOURCES: Wildlife; CRIMES: Trespassing

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 552c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 552C. (1) A PERSON WITHIN 450 FEET OF A BARN OR OTHER
2 BUILDING USED IN FARM OPERATIONS OR ANY OCCUPIED DWELLING SHALL
3 NOT USE AN ARTIFICIAL LIGHT FOR THE PURPOSE OF LOCATING ANIMALS
4 WITHOUT THE WRITTEN CONSENT OF THE OWNER OR LESSEE OF THE
5 PROPERTY. FURTHERMORE, IF LAND IS POSTED IN A CONSPICUOUS MANNER
6 "NO SHINING", A PERSON SHALL NOT CAST AN ARTIFICIAL LIGHT FROM OR
7 ONTO THAT LAND FOR THE PURPOSE OF LOCATING ANIMALS WITHOUT THE
8 WRITTEN CONSENT OF THE OWNER OR LESSEE OF THE LAND. THE MINIMUM
9 LETTER HEIGHT ON THE POSTING SIGNS SHALL BE 1 INCH. EACH POSTING
10 SIGN SHALL BE NOT LESS THAN 50 SQUARE INCHES, AND THE SIGNS SHALL
11 BE SPACED TO ENABLE A PERSON TO OBSERVE NOT LESS THAN 1 SIGN AT

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1 ANY POINT OF ENTRY UPON THE PROPERTY. UPON THE DEMAND OF A
2 CONSERVATION OFFICER OR A LAW ENFORCEMENT OFFICER, A PERSON SHALL
3 EXHIBIT ANY WRITTEN CONSENT REQUIRED BY THIS SUBSECTION. THIS
4 SUBSECTION DOES NOT REQUIRE A PERSON USING AN ARTIFICIAL LIGHT TO
5 OBTAIN THE WRITTEN CONSENT OF A MEMBER OF THAT PERSON'S IMMEDIATE
6 FAMILY OR OF THE OWNER OR LESSEE OF PUBLICLY OWNED LAND.

7 (2) SUBSECTION (1) DOES NOT APPLY TO ANY OF THE FOLLOWING:

8 (A) A PEACE OFFICER WHILE IN THE PERFORMANCE OF THE
9 OFFICER'S DUTIES.

10 (B) A PERSON OPERATING AN EMERGENCY VEHICLE IN AN
11 EMERGENCY.

12 (C) AN EMPLOYEE OF A PUBLIC OR PRIVATE UTILITY WHILE WORKING
13 IN THE SCOPE OF HIS OR HER EMPLOYMENT.

14 (D) A PERSON OPERATING A VEHICLE WITH HEADLIGHTS IN A LAWFUL
15 MANNER UPON A STREET, HIGHWAY, OR ROADWAY.

16 (E) A PERSON USING AN ARTIFICIAL LIGHT TO IDENTIFY A HOUSE
17 OR MAILBOX NUMBER.

18 (F) THE USE OF ARTIFICIAL LIGHTS TO CONDUCT A CENSUS BY THE
19 DEPARTMENT OF NATURAL RESOURCES.

20 (G) FARMING, HORTICULTURE, SILVICULTURE, LUMBERING, AND
21 RANCHING ACTIVITIES, UNLESS CONDUCTED FOR THE PURPOSE OF LOCATING
22 ANIMALS.

23 (3) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
24 MISDEMEANOR.

25 (4) AS USED IN THIS SECTION, "ANIMALS" MEANS WILD BIRDS AND
26 WILD MAMMALS.

1 (5) THE PROVISIONS OF THIS SECTION ARE IN ADDITION TO THE
2 PROVISIONS CONCERNING THE USE OF ARTIFICIAL LIGHTS IN SECTION
3 40113 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT,
4 1994 PA 451, MCL 324.40113.