

# Legislative Analysis

---



## BAN INTERNET HUNTING

Mitchell Bean, Director  
Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**Senate Bill 373 (Substitute H-2)**

**Sponsor: Sen. Michelle McManus**

**Senate Bill 620 (Substitute H-2)**

**Sponsor: Sen. Bruce Patterson**

**House Committee: Conservation, Forestry, and Outdoor Recreation**

**Senate Committee: Natural Resources and Environmental Affairs**

### **First Analysis (8-2-05)**

**BRIEF SUMMARY:** The bills would prohibit computer-assisted shooting with a bow or cross-bow and establish misdemeanor penalties for computer-assisted shooting violations both with a bow and with a firearm. The firearm prohibition is contained in House Bill 4465, which has already passed the House. The three bills in the package, Senate Bill 373, Senate Bill 620, and House Bill 4465, are all tie-barred, meaning none can take effect unless all are enacted.

**FISCAL IMPACT:** The bills would have an indeterminate fiscal impact on the state and on local units of government. Costs of misdemeanor probation and jailing in local facilities would be borne by local units of government; costs vary by locale. Any increase in penal fine revenues would go to local libraries. Seizure and forfeiture of property could benefit the state or local units of government, depending on circumstances.

### **THE APPARENT PROBLEM:**

An entrepreneur, John Lockwood, operates a website called *live-shot.com* that for a fee of a few hundred dollars allows anyone with access to a computer to shoot and kill a variety of animals roaming a fenced, 300-acre ranch 30-miles northwest of San Antonio, Texas. A rifle, video camera, and computer are mounted on a stand at the ranch at a spot frequented by deer, antelope, and sheep. The ranch features blackbuck antelope from India, fallow deer from Europe, Barbary sheep from Africa, as well as wild hogs and native Texas white-tail deer.

From thousands of miles away, via computer, a person can control the zoom cameras, and the remotely operated gun, firing with a click of the mouse. Never leaving a home computer station, a client can sight game, aim a rifle, and fire it.

In the first Internet hunt in late January 2005, recorded by a German television crew, a man shot a wild hog while sitting at a computer 45 miles away, while Lockwood, at the ranch, killed the boar with two more shots. In a second hunt, a quadriplegic from Indiana who once enjoyed hunting, got three clear shots at a fallow deer over two days of hunting, but came away empty-handed. (Information from the Los Angeles Times, 4-21-05)

Hunters across the country are supporting bans on what they consider to be an unsportsmanlike practice. They say that the concept of hunting requires real people in real time, since hunting, by definition, describes people who go into the forest or wild range and stalk their game by tracking. The challenge of the hunt resides in the chase, and in understanding nature and terrain, not in the kill. In contrast, remote-controlled hunting values killing rather than hunting. As a result, some people consider the practice unethical—as an extension of violent video games.

### ***THE CONTENT OF THE BILLS:***

Senate Bill 373 would amend the Michigan Penal Code (MCL 750.236b) to prohibit computer-assisted shooting with a bow or crossbow. A related bill, House Bill 4465, would prohibit computer-assisted shooting with a firearm. Senate Bill 620 would amend the code (MCL 750.236c) to establish misdemeanor penalties for computer-assisted shooting violations. Senate Bill 620 would take effect on October 15, 2005. The three bills are tie-barred to each other.

Specifically, House Bill 4465 would add Section 236a to the Michigan Penal Code and Senate Bill 373 would add Section 236b in order to prohibit a person in this state from doing any of the following:

- Engaging in "computer-assisted shooting." (See definitions later.)
- Providing or operating, with or without remuneration, facilities for computer-assisted shooting.
- Providing or offering to provide, with or without remuneration, equipment "specially adapted" for computer-assisted shooting.
- Providing or offering to provide, with or without remuneration, an animal for computer-assisted shooting.

The provision regarding "specially adapted" equipment would not prohibit providing or offering to provide any of the following:

- General-purpose equipment, including a computer, a camera, fencing, building materials, or a bow or crossbow (under the Senate bill) or a firearm (under the House bill).
- General-purpose computer software, including an operating system and communications programs.
- General telecommunications hardware or networking services for computers, including adapters, modems, servers, routers, and other facilities associated with internet access.

The term "computer-assisted shooting" would be defined as the use of a computer or any other device, equipment, or software to control remotely the aiming and discharge of a firearm [in House Bill 4465] or a bow or crossbow [in Senate Bill 373] to kill an animal, whether or not the animal was located in this state.

The term "facilities for computer-assisted remote shooting" would include real property and improvements on the property associated with computer-assisted shooting, such as hunting blinds, offices, and rooms equipped to facilitate computer-assisted shooting.

Under Senate Bill 620, a person who violated proposed Section 236a or 236b of the Penal Code would be guilty of a misdemeanor punishable by imprisonment for up to 93 days and/or a maximum fine of \$500.

A person who committed a second or subsequent offense would be guilty of a misdemeanor punishable by imprisonment for up to one year and/or a maximum fine of \$1,000. In addition, the instrumentalities of the crime would be subject to forfeiture in the manner provided in Part 47 of the Revised Judicature Act (which establishes procedures for the state or a local unit of government to seize and sell property that is the proceeds of, or was used in the commission of, a listed crime).

#### ***HOUSE COMMITTEE ACTION:***

The House Committee on Conservation, Forestry, and Outdoor Recreation made minor changes to the Senate bills, principally to renumber the affected sections of the Michigan Penal Code.

#### ***ARGUMENTS:***

##### ***For:***

Critics say Internet-based hunting—or any practice where remotely operated weapons are used to kill wild game—defies any justifiable rationale for hunting and the taking of game by sportsmen and sportswomen. As hunters attest, the joy of the sport comes in the chase, and in being attuned to the natural world, not in the kill itself. In contrast, the Internet-based hunter appears to take an unseemly delight in killing, which some people see as a disturbing and unethical extension of video games in which players pretend to kill animals and people. The practice has the feel of a video game: it is remote; it is disconnected from the reality of the hunt; and the hunter does not have to deal with any blood, or wounding, or tracking. Some have likened it to "pay per view slaughter."

At least 14 states (including Alabama, California, Delaware, Hawaii, Maine, Minnesota, New York, North Carolina, Oregon, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin) and the United States Congress are discussing legislation to prohibit Internet-based hunting. Reportedly, half a dozen states have done so. Michigan should outlaw this practice.

***Against:***

During committee deliberations, some members questioned the effectiveness of these bills, since enforcing the prohibition would be difficult, if not impossible, given that the entrepreneurs operate their facilities in other states and countries. Perhaps the bills should simply prohibit the operation of such facilities in Michigan. It seems futile to try to prevent individuals from using a computer in Michigan to "hunt" animals in other states and countries. It should be sufficient to prevent the actual shooting of animals in Michigan by remote means.

***Response:***

Even if enforcement is difficult, the ban on Internet hunting makes an important public policy statement and sends the appropriate message to state residents and to sponsors of Internet hunting elsewhere.

***POSITIONS:***

The Department of Natural Resources supports the bills. (7-13-05)

The Michigan United Conservations Clubs support the bills. (7-13-05)

The Michigan Humane Society supports the bills. (7-20-05)

Legislative Analyst: J. Hunault  
Fiscal Analysts: Kirk Lindquist  
Marilyn Peterson

---

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.