

Legislative Analysis



PROHIBIT INTERNET HUNTING

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Senate Bill 373 as passed the Senate
Sponsor: Sen. Michelle McManus

Senate Bill 620 as passed the Senate
Sponsor: Sen. Bruce Patterson
House Committee: Conservation, Forestry, and Outdoor Recreation
Senate Committee: Natural Resources and Environmental Affairs

Complete to 7-12-05

A SUMMARY OF SENATE BILLS 373 AND 620 AS PASSED BY THE SENATE 6-29-05

Senate Bill 373 would amend the Michigan Penal Code (MCL 750.236a) to prohibit computer-assisted shooting with a bow or crossbow. Senate Bill 620 would amend the code (MCL 750.236b) to establish misdemeanor penalties for computer-assisted shooting violations and would allow for civil forfeiture.

Senate Bill 620 would take effect on October 15, 2005. The bills are tie-barred to each other, and also to House Bill 4465, which has passed both the House and Senate and has been ordered enrolled. (That bill would prohibit computer-assisted shooting with a firearm.) Consequently, none of the bills could become law unless the others also were enacted.

Senate Bill 373 (like House Bill 4465) would add Section 236a to the Penal Code to prohibit a person in this state from doing any of the following:

- Engaging in computer-assisted shooting.
- 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 prohibition 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 bills would define "computer-assisted shooting" as the use of a computer or any other device, equipment, or software to control remotely the aiming and discharge of a bow or crossbow (under the Senate bill) [or a firearm, under the House bill] to kill an animal, whether or not the animal was located in this state.

"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 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 second or subsequent violation would be a misdemeanor punishable by imprisonment for up to one year and/or a maximum fine of \$1,000. In addition, violations would be subject to civil forfeiture under 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).

FISCAL IMPACT:

The bill(s) would have an indeterminate fiscal impact on the state and 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.

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