



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bills 373 and 620 (as enrolled)
House Bill 4465 (as enrolled)
Sponsor: Senator Michelle A. McManus (S.B. 373)
Senator Bruce Patterson (S.B. 620)
Representative Glenn Steil (H.B. 4465)
Senate Committee: Natural Resources and Environmental Affairs
House Committee: Conservation, Forestry, and Outdoor Recreation

PUBLIC ACTS 111 & 112 of 2005
PUBLIC ACT 110 of 2005

Date Completed: 11-1-05

RATIONALE

Earlier this year, Texas resident John Lockwood began offering hunters the opportunity to shoot animals on his 300-acre, fenced-in ranch via the internet. For a few hundred dollars, a person in another location could log onto Lockwood's website, control a video camera and rifle mounted on a stand at the ranch, and, with a click of the mouse, fire at a variety of game animals.

In response to criticism that such internet hunting operations are unsportsmanlike and unethical, the legislatures of several states, including Texas, have moved to ban these operations, and legislation has been introduced in the U.S. Congress to prohibit computer-assisted remote hunting. Some people believe that Michigan residents also should be prohibited from engaging in computer-assisted shooting.

CONTENT

Senate Bill 373 and House Bill 4465 amended the Michigan Penal Code to prohibit computer-assisted shooting with a bow or crossbow or a firearm. Senate Bill 620 amended the Code to establish misdemeanor penalties for computer-assisted shooting violations.

Senate Bill 373 and House Bill 4465 took effect on September 22, 2005. Senate Bill 620 took effect on October 15, 2005. All of the bills were tie-barred to each other.

House Bill 4465 and Senate Bill 373

The bills added Sections 236a and 236b, respectively, 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 does 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 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 is located in this State.

“Facilities for computer-assisted remote shooting” 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.

Senate Bill 620

Under the bill, a person who violates Section 236a or 236b of the Penal Code is guilty of a misdemeanor punishable by imprisonment for up to 93 days and/or a maximum fine of \$500.

A person who is convicted of violating either section and commits a subsequent violation is 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 are 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).

MCL 750.236a (H.B. 4465)
750.236b (S.B. 373)
750.236c (S.B. 620)

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Computer-assisted shooting is completely contrary to the spirit of hunting, an activity in which enthusiasts place a high value on the challenge of tracking game in the wild. 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, when a person fires at an animal by proxy from the comfort of his or her home, the focus is on the act of killing. The practice may have 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 tracking, wounding, or blood. Some opponents have likened it to “pay-per-view slaughter”. Furthermore, operating a firearm remotely without knowing what might be behind the intended target presents obvious safety concerns. By prohibiting remote-controlled shooting, the bills preserve the strong sense of tradition and ethics that help to define the sport of hunting.

Response: It is questionable how effective individual states’ laws will be in prohibiting remote-controlled hunting. For example, Senate Bill 373 and House Bill 4465 prohibit a person in Michigan from engaging in computer-assisted shooting; a person located in another state, however, could use the internet to shoot an animal in Michigan, unless that state had a similar ban in place. In another matter, some have raised concerns about the states’ authority to regulate internet hunting due to the Interstate Commerce Clause of the United States Constitution. For these reasons, a ban is needed at the Federal level to stop the practice of internet hunting definitively.

Opposing Argument

One of the principal reasons named for internet hunting is so people with disabilities that prevent them from going into the woods still can enjoy the sport. In the case of Lockwood’s computer-assisted shooting operation, although the hunter was situated miles away, another person actually was on-site to act as the hunter’s guide, giving the animals a chance to detect a human scent. Internet hunting is more than just aiming and shooting; it is an activity that can provide the disabled with opportunities they would not have otherwise to exercise their skills and provide food for their families.

Response: The State has made significant efforts to accommodate the needs of disabled hunters. A person who is permanently disabled and has full use of only one arm may obtain a permit from the Department of Natural Resources (DNR) to hunt with a modified bow. A person with at least 80% permanent disability of a hand, elbow, or shoulder may apply for a permit to hunt with a crossbow. The DNR also may issue a permit to hunt from a standing vehicle to a person who is unable to walk due to being a paraplegic or an amputee, or who is permanently disabled and unable to walk because of other disease or injury.

Any person who has been issued a standing vehicle hunting permit may use a constructed ground blind on public land to hunt. Additionally, a legally blind hunter may take an animal using a crossbow or laser sighting device if certain conditions are met.

Moreover, many groups, such as the National Rifle Association, provide the disabled with hunting opportunities through programs that emphasize being outdoors, understanding nature, and enjoying the thrill of the chase. Online hunting does not involve those aspects that would provide the disabled with a true hunting experience.

Legislative Analyst: Julie Koval

FISCAL IMPACT

The bills will have an indeterminate fiscal impact on State and local government. According to Lockwood, his website's membership includes one member who has hunted online, one who has hunted on site with a computer at the ranch, and approximately 350 who have signed up for target shooting. There are no data to indicate how many offenders will be convicted of violations. Local units will incur the additional costs of misdemeanor probation and incarceration in local facilities, both of which vary by county. Public libraries will benefit from additional penal fine revenue.

If property is seized and forfeited for repeat violations, the State and local units of government may receive proceeds from the sale of the property, after other obligations are satisfied.

Fiscal Analyst: Lindsay Hollander

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.