

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 172

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 73109 and 73110 (MCL 324.73109 and 324.73110),
as amended by 1998 PA 546.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 73109. The owner of property on which a violation of this
2 part is committed, or his or her lessee, may bring a cause of
3 action against ~~a person~~ **AN INDIVIDUAL** who violates this part for
4 ~~\$250.00~~ **\$750.00** or actual property damages, whichever is greater,
5 and actual and reasonable attorney fees.

6 Sec. 73110. (1) Except as provided in subsection (2) **OR (3)**, a
7 ~~person~~ **AN INDIVIDUAL** who violates this part is guilty of a
8 misdemeanor punishable by imprisonment for not more than 90 days or
9 a fine of not less than \$100.00 or more than \$500.00, or both.

1 (2) AN INDIVIDUAL WHO KILLS ANY PROTECTED ANIMAL, GAME, OR
2 FISH WHILE VIOLATING THIS PART IS GUILTY OF A MISDEMEANOR
3 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF
4 NOT LESS THAN \$250.00 OR MORE THAN \$750.00, OR BOTH.

5 (3) ~~(2) A person~~ AN INDIVIDUAL convicted of a second or
6 subsequent violation of this part occurring within 3 years of a
7 previous violation of this part shall be punished by imprisonment
8 for not more than 90 days or a fine of not less than \$250.00 or
9 more than \$1,000.00, or both. In addition, the court shall order
10 the ~~person's~~ INDIVIDUAL'S license revoked if the ~~person~~ INDIVIDUAL
11 is licensed to hunt, fish, or trap in this state, and shall order
12 the ~~person~~ INDIVIDUAL not to seek or possess a license for the
13 remainder of the calendar year in which the ~~person~~ INDIVIDUAL is
14 convicted and during at least 1 succeeding calendar year. This
15 subsection does not apply after September 30, 2001.

16 (4) ~~(3)~~ This subsection applies beginning October 1, 2001. A
17 ~~person~~ AN INDIVIDUAL convicted of a second or subsequent violation
18 of this part occurring within 3 years of a previous violation of
19 this part shall be punished by imprisonment for not more than 90
20 days or a fine of not less than ~~\$100.00~~ \$500.00 or more than
21 ~~\$1,000.00,~~ \$1,500.00, or both. In addition, the court may order the
22 ~~person's~~ INDIVIDUAL'S license revoked if the ~~person~~ INDIVIDUAL is
23 licensed to hunt, fish, or trap in this state, and may order the
24 ~~person~~ INDIVIDUAL not to seek or possess a license for not more
25 than 3 succeeding calendar years.

26 (5) ~~(4)~~ The court may order a ~~person~~ AN INDIVIDUAL convicted
27 of violating this part to pay the costs of prosecution.

1 (6) ~~(5)~~—The following may be seized and forfeited in the same
2 manner as provided in chapter 47 of the revised judicature act of
3 1961, 1961 PA 236, MCL 600.4701 to 600.4709:

4 (a) A protected animal, a fur-bearing animal, game, or fish
5 taken while committing any violation of this part.

6 (b) Property in the possession of the defendant while
7 committing a second or subsequent violation of this part occurring
8 within 3 years of a previous violation of this part. This
9 subdivision does not apply to either of the following:

10 (i) Electronic hunting-dog-retrieval equipment.

11 (ii) A living or dead animal of any kind not described in
12 subdivision (a).

13 (7) ~~(6)~~—The court shall order ~~a person~~ **AN INDIVIDUAL** convicted
14 of violating this part to make restitution for any damage arising
15 out of the violation, including, but not limited to, reimbursing
16 this state for the value of any protected animal, fur-bearing
17 animal, game, or fish taken while violating this part as provided
18 in section 40119. However, the value of fish shall be determined as
19 provided in section 48740.

20 Enacting section 1. This amendatory act takes effect upon the
21 expiration of 90 days after the date it is enacted into law.

22 Enacting section 2. This amendatory act does not take effect
23 unless Senate Bill No. 171 of the 97th Legislature is enacted into
24 law.