

# SENATE BILL No. 172

February 12, 2013, Introduced by Senators CASPERSON, PAVLOV, PROOS, JONES, WALKER and BOOHER and referred to the Committee on Outdoor Recreation and Tourism.

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), ~~a person~~  
7 **AN INDIVIDUAL** who violates this part is guilty of a misdemeanor  
8 punishable by imprisonment for not more than 90 days or a fine of  
9 not less than ~~\$100.00~~ **\$250.00** or more than ~~\$500.00~~, **\$750.00**, or  
10 both.

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

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

22           (4) The court may order a ~~person~~**AN INDIVIDUAL** convicted of  
23 violating this part to pay the costs of prosecution.

24           (5) The following may be seized and forfeited in the same  
25 manner as provided in chapter 47 of the revised judicature act of  
26 1961, 1961 PA 236, MCL 600.4701 to 600.4709:

27           (a) A protected animal, a fur-bearing animal, game, or fish

1 taken while committing any violation of this part.

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

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

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

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

16 Enacting section 1. This amendatory act does not take effect  
17 unless Senate Bill No. 171

18 of the 97th Legislature is enacted into law.