

SENATE BILL No. 244

March 26, 2015, Introduced by Senators PAVLOV, MARLEAU, ZORN, PROOS, KNEZEK, BIEDA and HANSEN 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 section 40119 (MCL 324.40119), as amended by 2013 PA
175.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 40119. (1) In addition to the penalties provided for
2 violating this part or an order issued under this part, and the
3 penalty provided in section 36507, an individual convicted of the
4 illegal killing, possessing, purchasing, or selling of game or
5 protected animals, in whole or in part, shall reimburse the state
6 for the value of the game or protected animal as follows:

7 (A) ELK, \$5,000.00 PER ANIMAL.

8 (B) MOOSE, \$5,000.00 PER ANIMAL.

9 (C) BEAR, \$3,500.00 PER ANIMAL.

10 (D) EAGLE, \$1,500.00 PER ANIMAL.

1 (E) ~~(a) Bear, elk, hawk, moose, HAWK~~ or any animal that
2 appears on a list specified in section 36505, \$1,500.00 per animal.

3 (F) ~~(b) Deer, owl, and wild turkey,~~ \$1,000.00 per animal.

4 (G) **WATERFOWL, \$500.00 PER ANIMAL.**

5 (H) ~~(c) Other game not listed in subdivision~~ **SUBDIVISIONS** (a)
6 ~~or (b), TO (G),~~ not less than \$100.00 or more than \$500.00 per
7 animal.

8 (I) ~~(d) Other protected animals,~~ \$100.00 per animal.

9 (2) In addition to the restitution value established in
10 subsection (1), an individual convicted of the illegal killing,
11 possessing, purchasing, or selling of an antlered white-tailed deer
12 also shall pay an additional restitution value that is equal to
13 \$1,000.00 plus 1 of the following:

14 (a) For an antlered white-tailed deer with at least 8 but not
15 more than 10 points, \$500.00 for each point.

16 (b) For an antlered white-tailed deer with 11 or more points,
17 \$750.00 for each point.

18 ~~—— (3) In addition to the penalties provided for violating this~~
19 ~~part or an order issued under this part, an individual convicted of~~
20 ~~the illegal killing, possessing, purchasing, or selling of an~~
21 ~~antlered white-tailed deer is subject to the following penalties:~~

22 ~~—— (a) For a first offense, the individual shall not secure or~~
23 ~~possess a license of any kind to hunt for an additional 2 calendar~~
24 ~~years after the penalties imposed under section 40118(6).~~

25 ~~—— (b) For a second or subsequent offense, the individual shall~~
26 ~~not secure or possess a license of any kind to hunt for an~~
27 ~~additional 7 calendar years after the penalties imposed under~~

1 ~~section 40118(6)-~~

2 (3) IN ADDITION TO THE RESTITUTION VALUE ESTABLISHED IN
3 SUBSECTION (1), AN INDIVIDUAL CONVICTED OF THE ILLEGAL KILLING,
4 POSSESSING, PURCHASING, OR SELLING OF AN ANTLERED ELK SHALL PAY AN
5 ADDITIONAL RESTITUTION VALUE THAT IS EQUAL TO 1 OF THE FOLLOWING:

6 (A) FOR AN ANTLERED ELK WITH AT LEAST 8 BUT NOT MORE THAN 10
7 POINTS, \$250.00 FOR EACH POINT.

8 (B) FOR AN ANTLERED ELK WITH 11 OR MORE POINTS, \$500.00 FOR
9 EACH POINT.

10 (4) IN ADDITION TO THE RESTITUTION VALUE ESTABLISHED IN
11 SUBSECTION (1), AN INDIVIDUAL CONVICTED OF THE ILLEGAL KILLING,
12 POSSESSING, PURCHASING, OR SELLING OF AN ANTLERED MOOSE SHALL PAY
13 AN ADDITIONAL RESTITUTION VALUE THAT IS EQUAL TO \$5,000.00.

14 (5) IN ADDITION TO THE RESTITUTION VALUE ESTABLISHED IN
15 SUBSECTION (1), AN INDIVIDUAL CONVICTED OF THE ILLEGAL KILLING,
16 POSSESSING, PURCHASING, OR SELLING OF A TURKEY WITH A BEARD SHALL
17 PAY AN ADDITIONAL RESTITUTION VALUE OF \$1,000.00.

18 (6) ~~(4)~~ The court in which a conviction for a violation
19 described in ~~subsection~~ SUBSECTIONS (1) ~~or (2)~~ TO (5) is obtained
20 shall order the defendant to forfeit to the state a sum as set
21 forth in ~~subsection~~ SUBSECTIONS (1) ~~or (2)~~ TO (5). If 2 or more
22 defendants are convicted of the illegal killing, possessing,
23 purchasing, or selling, in whole or in part, of game or protected
24 animals listed in ~~subsection~~ SUBSECTIONS (1) ~~or (2)~~ TO (5), the
25 forfeiture prescribed shall be declared against them jointly.

26 (7) ~~(5)~~ If a defendant fails to pay upon conviction the sum
27 ordered by the court to be forfeited, the court shall either impose

1 a sentence and, as a condition of the sentence, require the
2 defendant to satisfy the forfeiture in the amount prescribed and
3 fix the manner and time of payment, or make a written order
4 permitting the defendant to pay the sum to be forfeited in
5 installments at those times and in those amounts that, in the
6 opinion of the court, the defendant is able to pay.

7 (8) ~~(6)~~—If a defendant defaults in payment of the sum
8 forfeited or of an installment, the court on motion of the
9 department or upon its own motion may require the defendant to show
10 cause why the default should not be treated as a civil contempt,
11 and the court may issue a summons or warrant of arrest for his or
12 her appearance. Unless the defendant shows that the default was not
13 due to an intentional refusal to obey the order of the court or to
14 a failure to make a ~~good faith~~ **GOOD-FAITH** effort to obtain the
15 funds required for the payment, the court shall find that the
16 default constitutes a civil contempt.

17 (9) ~~(7)~~—If it appears that the defendant's default in the
18 payment of the forfeiture does not constitute civil contempt, the
19 court may enter an order allowing the defendant additional time for
20 payment, reducing the amount of the forfeiture or of each
21 installment, or revoking the forfeiture or the unpaid portion of
22 the forfeiture, in whole or in part.

23 (10) ~~(8)~~—A default in the payment of the forfeiture or an
24 installment payment may be collected by any means authorized for
25 the enforcement of a judgment under chapter 60 of the revised
26 judicature act of 1961, 1961 PA 236, MCL 600.6001 to 600.6098.

27 (11) ~~(9)~~—A court receiving forfeiture damages shall remit the

1 damages to the county treasurer, who shall deposit the damages with
2 the state treasurer, who shall deposit the damages in the game and
3 fish protection account established in section 2010.

4 (12) ~~(10)~~—As used in this section, "point" means a projection
5 on the antler of a white-tailed deer **OR ELK** that is at least 1 inch
6 long as measured from its tip to the nearest edge of the antler
7 beam.

8 Enacting section 1. This amendatory act takes effect 90 days
9 after the date it is enacted into law.

10 Enacting section 2. This amendatory act does not take effect
11 unless all of the following bills of the 98th Legislature are
12 enacted into law:

13 (a) Senate Bill No. 245

14 .

15 (b) Senate Bill No. 246

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