

SUBSTITUTE FOR
SENATE BILL NO. 245

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 40118 (MCL 324.40118), as amended by 2012 PA
520.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 40118. (1) ~~A person~~**AN INDIVIDUAL** who violates this part,
2 an order or interim order issued under this part, or a condition of
3 a permit issued under this part, except for a violation specified
4 in subsections (2) to ~~(12)~~**(16)**, is guilty of a misdemeanor
5 punishable by imprisonment for not more than 90 days, or a fine of
6 not less than \$50.00 or more than \$500.00, or both, and the costs
7 of prosecution. In addition, a permit issued by the department
8 under this part shall be revoked pursuant to the administrative
9 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

1 (2) ~~A person~~ **AN INDIVIDUAL** who violates a provision of this
2 part or an order or interim order issued under this part regarding
3 the possession or taking of any game, except deer, bear, wild
4 turkey, wolf, **WATERFOWL**, moose, or elk, is guilty of a misdemeanor
5 punishable by imprisonment for not more than 90 days, or a fine of
6 not less than \$100.00 or more than \$1,000.00, or both, and the
7 costs of prosecution.

8 (3) Except as otherwise provided in this subsection, ~~a person~~
9 **AN INDIVIDUAL** who violates a provision of this part or an order or
10 interim order issued under this part regarding the possession or
11 taking of deer, bear, wild turkey, or wolf is guilty of a
12 misdemeanor and shall be punished by imprisonment for not less than
13 5 days or more than 90 days, and a fine of not less than \$200.00 or
14 more than \$1,000.00, and the costs of prosecution. ~~A person~~ **AN**
15 **INDIVIDUAL** shall not be punished under this subsection for lawfully
16 removing, capturing, or destroying a wolf under 2008 PA 290, MCL
17 324.95151 to 324.95155, or 2008 PA 318, MCL 324.95161 to 324.95167.

18 (4) ~~A person~~ **AN INDIVIDUAL** who violates a provision of this
19 part or an order or interim order issued under this part regarding
20 the possession or taking of elk is guilty of a misdemeanor
21 punishable by imprisonment for not less than 30 days or more than
22 180 days, or a fine of not less than \$500.00 or more than
23 \$2,000.00, or both, and the costs of prosecution.

24 (5) ~~A person~~ **AN INDIVIDUAL** who violates a provision of this
25 part or an order or interim order issued under this part regarding
26 the possession or taking of moose is guilty of a misdemeanor and
27 shall be punished by imprisonment for not less than 90 days or more

1 than 1 year and a fine of not less than \$1,000.00 or more than
2 \$5,000.00, and the costs of prosecution.

3 (6) AN INDIVIDUAL WHO VIOLATES A PROVISION OF THIS PART OR AN
4 ORDER OR INTERIM ORDER ISSUED UNDER THIS PART REGARDING THE
5 POSSESSION OR TAKING OF WATERFOWL IS GUILTY OF A MISDEMEANOR
6 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF
7 NOT LESS THAN \$250.00 OR MORE THAN \$500.00, OR BOTH, AND THE COSTS
8 OF PROSECUTION. AN INDIVIDUAL WHO VIOLATES A PROVISION OF THIS PART
9 OR AN ORDER OR INTERIM ORDER ISSUED UNDER THIS PART REGARDING THE
10 POSSESSION OR TAKING OF WATERFOWL A SECOND OR SUBSEQUENT TIME IS
11 GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE
12 THAN 90 DAYS OR A FINE OF \$500.00, OR BOTH, AND THE COSTS OF
13 PROSECUTION.

14 (7) ~~(6) A person~~ AN INDIVIDUAL sentenced pursuant to UNDER
15 subsection (3), ~~(4), (5), (10), or (11)~~ (14), OR (15) shall not
16 secure or possess a license of any kind to hunt during the
17 remainder of the year in which convicted and the next 3 succeeding
18 calendar years. ~~A person~~ AN INDIVIDUAL sentenced pursuant to
19 subsection ~~(7)~~ (11) shall not secure or possess a license to hunt
20 during the remainder of the year in which convicted and the next
21 succeeding calendar year.

22 (8) IN ADDITION TO THE PENALTIES PROVIDED FOR VIOLATING THIS
23 PART OR AN ORDER ISSUED UNDER THIS PART, AN INDIVIDUAL CONVICTED OF
24 THE ILLEGAL KILLING, POSSESSING, PURCHASING, OR SELLING OF A BEAR
25 OR AN ANTLERED WHITE-TAILED DEER IS SUBJECT TO THE FOLLOWING
26 PENALTIES:

27 (A) FOR A FIRST OFFENSE, THE INDIVIDUAL SHALL NOT SECURE OR

1 POSSESS A LICENSE OF ANY KIND TO HUNT FOR AN ADDITIONAL 2 CALENDAR
2 YEARS AFTER THE PENALTIES IMPOSED UNDER SUBSECTION (7) .

3 (B) FOR A SECOND OR SUBSEQUENT OFFENSE, THE INDIVIDUAL SHALL
4 NOT SECURE OR POSSESS A LICENSE OF ANY KIND TO HUNT FOR AN
5 ADDITIONAL 7 CALENDAR YEARS AFTER THE PENALTIES IMPOSED UNDER
6 SUBSECTION (7) .

7 (9) IN ADDITION TO THE PENALTIES PROVIDED FOR VIOLATING THIS
8 PART OR AN ORDER ISSUED UNDER THIS PART, AN INDIVIDUAL CONVICTED OF
9 THE ILLEGAL KILLING, POSSESSING, PURCHASING, OR SELLING OF A TURKEY
10 SHALL NOT SECURE OR POSSESS A LICENSE OF ANY KIND TO HUNT FOR AN
11 ADDITIONAL 2 CALENDAR YEARS AFTER THE PENALTIES IMPOSED UNDER
12 SUBSECTION (7) .

13 (10) AN INDIVIDUAL SENTENCED UNDER SUBSECTION (4) OR (5) IS
14 SUBJECT TO THE FOLLOWING PENALTIES:

15 (A) FOR A FIRST OFFENSE, THE INDIVIDUAL SHALL NOT SECURE OR
16 POSSESS A LICENSE OF ANY KIND TO HUNT FOR THE REMAINDER OF THE YEAR
17 IN WHICH CONVICTED AND THE NEXT 15 SUCCEEDING CALENDAR YEARS.

18 (B) FOR A SECOND OFFENSE, THE INDIVIDUAL SHALL NOT SECURE OR
19 POSSESS A LICENSE OF ANY KIND TO HUNT FOR THE REMAINDER OF THAT
20 INDIVIDUAL'S LIFE.

21 (11) ~~(7) A person~~ **AN INDIVIDUAL** who violates section 40113(1)
22 is guilty of a misdemeanor punishable by imprisonment for not less
23 than 5 days or more than 90 days, or a fine of not less than
24 \$100.00 or more than \$500.00, or both, and the costs of
25 prosecution.

26 (12) ~~(8) A person~~ **AN INDIVIDUAL** who violates section 40113(2)
27 is guilty of a misdemeanor punishable by imprisonment for not more

1 than 90 days, or a fine of not less than \$50.00 or more than
2 \$500.00, or both, and the costs of prosecution.

3 (13) ~~(9) A person~~ **AN INDIVIDUAL** who violates section 40113(3)
4 is guilty of a misdemeanor and shall be punished by imprisonment
5 for not less than 5 days or more than 90 days and a fine of not
6 less than \$100.00 or more than \$500.00, and the costs of
7 prosecution.

8 (14) ~~(10) A person~~ **AN INDIVIDUAL** who violates a provision of
9 this part or an order or interim order issued under this part
10 regarding the taking or possession of an animal that has been
11 designated by the department to be a protected animal, other than
12 an animal that appears on a list prepared pursuant to section
13 36505, is guilty of a misdemeanor punishable by imprisonment for
14 not more than 90 days or a fine of not less than \$100.00 or more
15 than \$1,000.00, or both, and the costs of prosecution.

16 (15) ~~(11) A person~~ **AN INDIVIDUAL** who buys or sells game or a
17 protected animal in violation of this part or an order or interim
18 order issued under this part is guilty of a misdemeanor punishable
19 by imprisonment for not more than 90 days or a fine of not more
20 than \$1,000.00, or both, for the first offense, and is guilty of a
21 felony for each subsequent offense.

22 (16) ~~(12) If a person~~ **AN INDIVIDUAL** is convicted of a
23 violation of this part or an order or interim order issued under
24 this part and it is alleged in the complaint and proved or admitted
25 at trial or ascertained by the court after conviction that the
26 ~~person~~ **INDIVIDUAL** had been previously convicted 2 times within the
27 preceding 5 years for a violation of this part or an order or

1 interim order issued under this part, the ~~person~~**INDIVIDUAL** is
2 guilty of a misdemeanor and shall be punished by imprisonment for
3 not less than 10 days or more than 180 days, and a fine of not less
4 than \$500.00 or more than \$2,000.00, and costs of prosecution.

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

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

10 (a) Senate Bill No. 244.

11 (b) Senate Bill No. 246.