

SENATE BILL No. 245

March 26, 2015, Introduced by Senators ZORN, MARLEAU, PROOS, PAVLOV, 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 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)~~, **(14)**, 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.

10 (2) ~~A person~~ **AN INDIVIDUAL** who violates a provision of this

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

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

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

23 (5) ~~A person~~ **AN INDIVIDUAL** who violates a provision of this
24 part or an order or interim order issued under this part regarding
25 the possession or taking of moose is guilty of a misdemeanor and
26 shall be punished by imprisonment for not less than 90 days or more
27 than 1 year and a fine of not less than \$1,000.00 or more than

1 \$5,000.00, and the costs of prosecution.

2 (6) ~~A person~~ **AN INDIVIDUAL** sentenced pursuant to ~~UNDER~~
3 subsection (3), ~~(4)~~, ~~(5)~~, ~~(10)~~, or ~~(11)~~ **(12)**, **OR (13)** shall not
4 secure or possess a license of any kind to hunt during the
5 remainder of the year in which convicted and the next 3 succeeding
6 calendar years. ~~A person~~ **AN INDIVIDUAL** sentenced pursuant to
7 subsection ~~(7)~~ **(9)** shall not secure or possess a license to hunt
8 during the remainder of the year in which convicted and the next
9 succeeding calendar year.

10 (7) **IN ADDITION TO THE PENALTIES PROVIDED FOR VIOLATING THIS**
11 **PART OR AN ORDER ISSUED UNDER THIS PART, AN INDIVIDUAL CONVICTED OF**
12 **THE ILLEGAL KILLING, POSSESSING, PURCHASING, OR SELLING OF A BEAR**
13 **OR AN ANTLERED WHITE-TAILED DEER IS SUBJECT TO THE FOLLOWING**
14 **PENALTIES:**

15 (A) **FOR A FIRST OFFENSE, THE INDIVIDUAL SHALL NOT SECURE OR**
16 **POSSESS A LICENSE OF ANY KIND TO HUNT FOR AN ADDITIONAL 2 CALENDAR**
17 **YEARS AFTER THE PENALTIES IMPOSED UNDER SUBSECTION (6).**

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

22 (8) **AN INDIVIDUAL SENTENCED UNDER SUBSECTION (4) OR (5) IS**
23 **SUBJECT TO THE FOLLOWING PENALTIES:**

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

27 (B) **FOR A SECOND OFFENSE, THE INDIVIDUAL SHALL NOT SECURE OR**

1 POSSESS A LICENSE OF ANY KIND TO HUNT FOR THE REMAINDER OF THAT
2 INDIVIDUAL'S LIFE.

3 (9) ~~(7) A person~~ **AN INDIVIDUAL** who violates section 40113(1)
4 is guilty of a misdemeanor punishable by imprisonment for not less
5 than 5 days or more than 90 days, or a fine of not less than
6 \$100.00 or more than \$500.00, or both, and the costs of
7 prosecution.

8 (10) ~~(8) A person~~ **AN INDIVIDUAL** who violates section 40113(2)
9 is guilty of a misdemeanor punishable by imprisonment for not more
10 than 90 days, or a fine of not less than \$50.00 or more than
11 \$500.00, or both, and the costs of prosecution.

12 (11) ~~(9) A person~~ **AN INDIVIDUAL** who violates section 40113(3)
13 is guilty of a misdemeanor and shall be punished by imprisonment
14 for not less than 5 days or more than 90 days and a fine of not
15 less than \$100.00 or more than \$500.00, and the costs of
16 prosecution.

17 (12) ~~(10) A person~~ **AN INDIVIDUAL** who violates a provision of
18 this part or an order or interim order issued under this part
19 regarding the taking or possession of an animal that has been
20 designated by the department to be a protected animal, other than
21 an animal that appears on a list prepared pursuant to section
22 36505, is guilty of a misdemeanor punishable by imprisonment for
23 not more than 90 days or a fine of not less than \$100.00 or more
24 than \$1,000.00, or both, and the costs of prosecution.

25 (13) ~~(11) A person~~ **AN INDIVIDUAL** who buys or sells game or a
26 protected animal in violation of this part or an order or interim
27 order issued under this part is guilty of a misdemeanor punishable

1 by imprisonment for not more than 90 days or a fine of not more
2 than \$1,000.00, or both, for the first offense, and is guilty of a
3 felony for each subsequent offense.

4 (14) ~~(12)~~ If a ~~person~~ **AN INDIVIDUAL** is convicted of a
5 violation of this part or an order or interim order issued under
6 this part and it is alleged in the complaint and proved or admitted
7 at trial or ascertained by the court after conviction that the
8 ~~person~~ **INDIVIDUAL** had been previously convicted 2 times within the
9 preceding 5 years for a violation of this part or an order or
10 interim order issued under this part, the ~~person~~ **INDIVIDUAL** is
11 guilty of a misdemeanor and shall be punished by imprisonment for
12 not less than 10 days or more than 180 days, and a fine of not less
13 than \$500.00 or more than \$2,000.00, and costs of prosecution.

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

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

19 (a) Senate Bill No. 246

20 .

21 (b) Senate Bill No. 244

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