

Legislative Analysis



INCREASE FINE FOR ILLEGAL TAKING OR POSSESSION OF STURGEON

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<http://www.house.mi.gov/hfa>

House Bill 4018 as introduced
Sponsor: Rep. Sue Allor
Committee: Natural Resources
Complete to 5-10-19

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4018 would amend Part 487 (Sport Fishing) of the Natural Resources and Environmental Protection Act (NREPA) to increase the fine for illegally taking sturgeon.

Currently under NREPA, an individual who takes or possesses sturgeon in violation of Part 487, or the rules or orders issued to implement Part 487,¹ is guilty of a misdemeanor punishable by imprisonment for 30 to 180 days and a fine of \$500 to \$2,000, plus the costs of prosecution.

The bill would retain the imprisonment penalty range, but increase the fine to a flat penalty of \$5,000.

MCL 324.48738

BACKGROUND:

In addition to the penalty described above, section 48740 of NREPA requires a person who is convicted of any of the following to forfeit to the state \$1,500 for each sturgeon illegally taken or possessed:

- Taking sturgeon during a closed season.
- Taking or possessing sturgeon in excess of lawful limits.
- Taking sturgeon by use of an unlawful device.
- Buying or selling sturgeon, or any parts of a sturgeon, that is taken by use of an unlawful device.

FISCAL IMPACT:

House Bill 4018 would increase the fine for taking or possessing sturgeon from “not less than \$500 or more than \$2,000” to a flat \$5,000. The increase in penal fine revenue would increase funding for local libraries, which are the constitutionally designated recipients of those revenues. The bill would not affect costs or revenues for the Department of Natural Resources.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

¹ For current sturgeon season and limit information, see: https://www.michigan.gov/dnr/0,4570,7-350-79119_79146_82434---.00.html