

CIVIL INFRACTIONS FOR CERTAIN NREPA VIOLATIONS

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House Bill 4149 as enacted
Public Act 14 of 2022
Sponsor: Rep. John N. Damoose

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

House Bill 4151 as enacted
Public Act 15 of 2022
Sponsor: Rep. Steven Johnson

House Bill 4152 as enacted
Public Act 23 of 2022
Sponsor: Rep. Gary Howell

House Committee: Judiciary
Senate Committee: Natural Resources
Complete to 4-13-22

SUMMARY:

House Bills 4149, 4151, and 4152 amend the Natural Resources and Environmental Protection Act (NREPA) to remove misdemeanor criminal penalties for certain violations of the act and make the violations civil infractions instead, with a civil fine of up to \$150. House Bills 4149 and 4151 took effect February 23, 2022, and House Bill 4152 takes effect June 8, 2022.

House Bill 4149 amends section 48738 of NREPA, which prescribes penalties for violations of Part 487 (Sport Fishing). Section 48703 of that part currently requires a person to mark his or her name and address on a tip-up or similar device used in ice fishing and limits the number of rods and lines an angler can use. The bill provides that a person who violates section 48703 is responsible for a civil infraction and may be ordered to pay a civil fine of up to \$150. (Previously, a person convicted of violating those provisions was guilty of a misdemeanor punishable by imprisonment for up to 90 days or a fine of up to \$500, or both.)

MCL 324.48738

House Bill 4151 amends section 43560 of NREPA, which prescribes penalties for certain violations of Part 435 (Hunting and Fishing Licensing). Section 43516(3) of that part currently requires an individual who has been issued a hunting, fur harvester's, or fishing license to carry the license (or an electronic copy) when he or she is hunting, trapping, or fishing or engaged in certain other activities and to show it to an officer on demand. The bill provides that a person who violates section 43516(3) is responsible for a civil infraction and may be ordered to pay a civil fine of up to \$150. (Previously, a person convicted of violating those provisions was guilty of a misdemeanor punishable by imprisonment for up to 90 days or a fine of \$25 to \$250 and the costs of prosecution, or both.)

MCL 324.43560

House Bill 4152 would amend sections 40118 and 43558 of NREPA, which prescribe penalties for certain violations of Parts 401 and 435.

The Wildlife Conservation Order currently requires a person to affix his or her name, driver's license number, or sportcard number to a ground blind, tree stand, scaffold, or raised platform

and restricts supplemental feeding of deer. The bill provides that a person who violates those or related provisions is responsible for a civil infraction and may be ordered to pay a civil fine of up to \$150. (Previously, a person convicted of violating those provisions was guilty of a misdemeanor punishable by imprisonment for up to 90 days or a fine of \$50 to \$500, or both, and the costs of prosecution.)

Section 43509(2) of NREPA prohibits a person from taking or possessing a wild animal without having in his or her possession a valid license as provided under Part 435. The bill provides that a person who violates those or related provisions is responsible for a civil infraction and may be ordered to pay a civil fine of up to \$150. (Previously, a person convicted of violating that provision was guilty of a misdemeanor punishable by imprisonment for up to 90 days or a fine of \$25 to \$250 and the costs of prosecution, or both.)

MCL 324.40118 and 324.43558

FISCAL IMPACT:

The bills would have an indeterminate fiscal impact on the state and on local units of government. Currently, sections 40118, 43558, 43560, and 48738 of NREPA provide that a person who violates certain provisions of the act is guilty of a misdemeanor. The bills would reduce those violations from a misdemeanor charge to a civil infraction.

Reducing the penalty from a misdemeanor to a civil infraction would impact costs to local county jails, revenue deposited into the state's Justice System Fund, and revenue used to support public and county law libraries. Costs to local county jails would be reduced. Costs of incarceration in local county jails varies by jurisdiction, so the savings to local units cannot be determined.

Revenue collected from the payment of civil infraction penalties is used to support public and county law libraries, but, under section 8827(4) of the Revised Judicature Act, \$10 of the civil fine would be deposited into the state's Justice System Fund, so revenue to the state would be increased. Justice System Fund revenue supports various justice-related endeavors in the judicial branch, the Departments of State Police, Corrections, Health and Human Services, and Treasury, and the Legislative Retirement System. Because there is no practical way to determine the number of violations that will occur under provisions of the bill, an estimate of the amount of additional revenue the state would collect cannot be made.

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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.