

**SUBSTITUTE FOR
HOUSE BILL NO. 6354**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 40118 (MCL 324.40118), as amended by 2022 PA
23.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 40118. (1) An individual who violates this part, an order
2 or interim order issued under this part, or a condition of a permit
3 issued under this part, except for a violation specified in
4 subsections (2) to (19), is guilty of a misdemeanor punishable by
5 imprisonment for not more than 90 days or a fine of not less than
6 \$50.00 or more than \$500.00, or both, and the costs of prosecution.
7 In addition, a permit issued by the department under this part must
8 be revoked pursuant to the administrative procedures act of 1969,

1 1969 PA 306, MCL 24.201 to 24.328.

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

9 (3) Except as otherwise provided in this subsection, an
10 individual who violates a provision of this part or an order or
11 interim order issued under this part regarding the possession or
12 taking of deer, bear, wild turkey, or wolf is guilty of a
13 misdemeanor and may be imprisoned for not more than 90 days, shall
14 be fined not less than \$200.00 or more than \$1,000.00, and shall be
15 ordered to pay the costs of prosecution. An individual shall not be
16 punished under this subsection for lawfully removing, capturing, or
17 destroying a wolf under 2008 PA 290, MCL 324.95151 to 324.95155, or
18 2008 PA 318, MCL 324.95161 to 324.95167.

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

25 (5) An individual who violates a provision of this part or an
26 order or interim order issued under this part regarding the
27 possession or taking of moose is guilty of a misdemeanor punishable
28 by imprisonment for not more than 1 year and a fine of not less
29 than \$1,000.00 or more than \$5,000.00, and the costs of

1 prosecution.

2 (6) An individual who violates a provision of this part or an
3 order or interim order issued under this part regarding the
4 possession or taking of waterfowl is guilty of a misdemeanor
5 punishable by imprisonment for not more than 90 days or a fine of
6 not less than \$250.00 or more than \$500.00, or both, and the costs
7 of prosecution. An individual who violates a provision of this part
8 or an order or interim order issued under this part regarding the
9 possession or taking of waterfowl a second or subsequent time is
10 guilty of a misdemeanor punishable by imprisonment for not more
11 than 90 days or a fine of \$500.00, or both, and the costs of
12 prosecution.

13 (7) An individual sentenced under subsection (3), (14), or
14 (15) shall not secure or possess a license of any kind to hunt
15 during the remainder of the year in which convicted and the next 3
16 succeeding calendar years. An individual sentenced under subsection
17 (11) shall not secure or possess a license to hunt during the
18 remainder of the year in which convicted and the next succeeding
19 calendar year, or longer in the discretion of the court.

20 (8) In addition to the penalties provided for violating this
21 part or an order issued under this part, an individual convicted of
22 the illegal killing, possessing, purchasing, or selling of a bear
23 or an antlered white-tailed deer is subject to the following
24 penalties:

25 (a) For a first offense, the individual shall not secure or
26 possess a license of any kind to hunt for an additional 2 calendar
27 years after the penalties imposed under subsection (7).

28 (b) For a second or subsequent offense, the individual shall
29 not secure or possess a license of any kind to hunt for an

1 additional 7 calendar years after the penalties imposed under
2 subsection (7).

3 (9) In addition to the penalties provided for violating this
4 part or an order issued under this part, an individual convicted of
5 the illegal killing, possessing, purchasing, or selling of a wild
6 turkey shall not secure or possess a license of any kind to hunt
7 for an additional 2 calendar years after the penalties imposed
8 under subsection (7).

9 (10) An individual sentenced under subsection (4) or (5) is
10 subject to the following penalties:

11 (a) For a first offense, the individual shall not secure or
12 possess a license of any kind to hunt for the remainder of the year
13 in which convicted and the next 15 succeeding calendar years.

14 (b) For a second offense, the individual shall not secure or
15 possess a license of any kind to hunt for the remainder of that
16 individual's life.

17 (11) An individual who violates section 40113(1) is guilty of
18 a misdemeanor punishable by imprisonment for not more than 90 days
19 or a fine of not less than \$100.00 or more than \$500.00, or both,
20 and the costs of prosecution.

21 (12) An individual who violates section 40113(2) is guilty of
22 a misdemeanor punishable by imprisonment for not more than 90 days
23 or a fine of not less than \$50.00 or more than \$500.00, or both,
24 and the costs of prosecution.

25 (13) An individual who violates section 40113(3) is guilty of
26 a misdemeanor punishable by imprisonment for not more than 90 days
27 or a fine of not less than \$100.00 or more than \$500.00, or both,
28 and the costs of prosecution.

29 (14) An individual who violates a provision of this part or an

1 order or interim order issued under this part regarding the taking
2 or possession of an animal that has been designated by the
3 department to be a protected animal, other than an animal that
4 appears on a list prepared under section 36505, is guilty of a
5 misdemeanor punishable by imprisonment for not more than 90 days or
6 a fine of not less than \$100.00 or more than \$1,000.00, or both,
7 and the costs of prosecution.

8 (15) An individual who buys or sells game or a protected
9 animal in violation of this part or an order or interim order
10 issued under this part is guilty of a misdemeanor punishable by
11 imprisonment for not more than 90 days or a fine of not more than
12 \$1,000.00, or both, for the first offense, and is guilty of a
13 felony for each subsequent offense.

14 (16) An individual who willfully violates a provision of this
15 part or an order or interim order issued under this part by using
16 an illegally constructed snare or cable restraint is guilty of a
17 misdemeanor punishable by imprisonment for not more than 90 days or
18 a fine of \$1,000.00 for the first illegally constructed snare or
19 cable restraint and \$250.00 for each subsequent illegally
20 constructed snare or cable restraint, or both, and the costs of
21 prosecution.

22 (17) An individual who violates a provision of this part or an
23 order or interim order issued under this part regarding the
24 importation of a cervid carcass or parts of a cervid carcass, other
25 than hides, deboned meat, quarters or other parts of a cervid that
26 do not have any part of the spinal column or head attached,
27 finished taxidermy products, cleaned teeth, antlers, or antlers
28 attached to a skullcap cleaned of brain and muscle tissue, from
29 another state or province is guilty of a misdemeanor punishable by

1 imprisonment for not more than 90 days or a fine of not less than
2 \$500.00 or more than \$2,000.00, or both, and the costs of
3 prosecution.

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

14 (19) An individual who violates a provision of this part or an
15 order or interim order issued under this part regarding any of the
16 following is responsible for a state civil infraction and may be
17 ordered to pay a civil fine of not more than \$150.00:

18 (a) Attaching that individual's name, driver license number,
19 or sportcard number to a ground blind.

20 (b) Attaching that individual's name, driver license number,
21 or sportcard number to a tree stand, scaffold, or raised platform.

22 (c) Supplemental feeding of deer.

23 **(20) Except for deer damage shooting permits or disease**
24 **control permits, the commission shall not issue an order or interim**
25 **order requiring a hunter to report the harvest of deer or retain a**
26 **harvest confirmation number for that deer.**