

# SENATE BILL NO. 800

February 20, 2020, Introduced by Senators STAMAS, MCBROOM, HORN, MACGREGOR, DALEY, VANDERWALL and SCHMIDT and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 40118 (MCL 324.40118), as amended by 2017 PA  
124.

## 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 ~~(18)~~, **(19)**, is guilty of a misdemeanor  
5 punishable by imprisonment for not more than 90 days ~~,~~ or a fine of

1 not less than \$50.00 or more than \$500.00, or both, and the costs  
2 of prosecution. In addition, a permit issued by the department  
3 under this part must be revoked pursuant to the administrative  
4 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

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

12 (3) Except as otherwise provided in this ~~subsection,~~**section,**  
13 an individual who violates a provision of this part or an order or  
14 interim order issued under this part regarding the possession or  
15 taking of deer, bear, wild turkey, or wolf is guilty of a  
16 misdemeanor and shall be punished by imprisonment for not less than  
17 5 days or more than 90 days ~~—~~and a fine of not less than \$200.00  
18 or more than \$1,000.00, and the costs of prosecution. An individual  
19 shall not be punished under this subsection for lawfully removing,  
20 capturing, or destroying a wolf under 2008 PA 290, MCL 324.95151 to  
21 324.95155, or 2008 PA 318, MCL 324.95161 to 324.95167.

22 (4) An individual who violates a provision of this part or an  
23 order or interim order issued under this part regarding the  
24 possession or taking of elk is guilty of a misdemeanor punishable  
25 by imprisonment for not less than 30 days or more than 180 days ~~—~~  
26 or a fine of not less than \$500.00 or more than \$2,000.00, or both,  
27 and the costs of prosecution.

28 (5) An individual who violates a provision of this part or an  
29 order or interim order issued under this part regarding the

1 possession or taking of moose is guilty of a misdemeanor punishable  
2 by imprisonment for not less than 90 days or more than 1 year and a  
3 fine of not less than \$1,000.00 or more than \$5,000.00, and the  
4 costs of prosecution.

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

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

23 (8) In addition to the penalties provided for violating this  
24 part or an order issued under this part, an individual convicted of  
25 the illegal killing, possessing, purchasing, or selling of a bear  
26 or an antlered white-tailed deer **under subsection (3) or (15)** is  
27 subject to the following penalties:

28 (a) For a first offense, the individual shall not secure or  
29 possess a license of any kind to hunt for an additional 2 calendar

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

2 (b) For a second or subsequent offense, the individual shall  
3 not secure or possess a license of any kind to hunt for an  
4 additional 7 calendar years after the penalties imposed under  
5 subsection (7).

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

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

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

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

20 (11) An individual who violates section 40113(1) is guilty of  
21 a misdemeanor punishable by imprisonment for not less than 5 days  
22 or more than 90 days ~~or~~ a fine of not less than \$100.00 or more  
23 than \$500.00, or both, and the costs of prosecution.

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

28 (13) An individual who violates section 40113(3) is guilty of  
29 a misdemeanor punishable by imprisonment for not less than 5 days

1 or more than 90 days and a fine of not less than \$100.00 or more  
2 than \$500.00, and the costs of prosecution.

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

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

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

25 (17) An individual who violates a provision of this part or an  
26 order or interim order issued under this part regarding the  
27 importation of a cervid carcass or parts of a cervid carcass, other  
28 than hides, deboned meat, quarters or other parts of a cervid that  
29 do not have any part of the spinal column or head attached,

1 finished taxidermy products, cleaned teeth, antlers, or antlers  
2 attached to a skullcap cleaned of brain and muscle tissue, from  
3 another state or province is guilty of a misdemeanor punishable by  
4 imprisonment for not more than 90 days or a fine of not less than  
5 \$500.00 or more than \$2,000.00, or both, and the costs of  
6 prosecution.

7 **(18) An individual who violates a provision of this part or an**  
8 **order or interim order issued under this part regarding the baiting**  
9 **of deer or the taking of deer over bait is responsible for a state**  
10 **civil infraction and may be ordered to pay a civil fine of not more**  
11 **than \$1.00.**

12 **(19) ~~(18)~~—If an individual is convicted of a violation of this**  
13 **part or an order or interim order issued under this part, **except****  
14 **for a violation specified in subsection (18), and it is alleged in**  
15 **the complaint and proved or admitted at trial or ascertained by the**  
16 **court after conviction that the individual had been previously**  
17 **convicted 2 times within the preceding 5 years for a violation of**  
18 **this part or an order or interim order issued under this part, the**  
19 **individual is guilty of a misdemeanor punishable by imprisonment**  
20 **for not less than 10 days or more than 180 days ~~—~~and a fine of not**  
21 **less than \$500.00 or more than \$2,000.00, and costs of prosecution.**