

CHANGE DEER HARVEST REPORTING VIOLATION FROM MISDEMEANOR TO CIVIL INFRACTION

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House Bill 6354 as reported from committee

Sponsor: Rep. Michele Hoytenga

Committee: Government Operations

Complete to 9-21-22

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

SUMMARY:

House Bill 6354 would amend the Natural Resources and Environmental Protection Act (NREPA) to provide that a person who violates certain provisions of the act or orders issued under it that involve reporting a deer harvest or retaining a confirmation number from such a report is responsible for a state civil infraction and may be ordered to pay a civil fine of up to \$150. (Currently, violation of those provisions is a misdemeanor punishable by imprisonment for up to 90 days or a fine of \$50 to \$500, or both, and the costs of prosecution. See **Background**, below.)

MCL 324.40118

BACKGROUND:

In June 2022, the Natural Resources Commission unanimously approved an amendment¹ to the Wildlife Conservation Order that requires mandatory deer harvest reporting² beginning with the 2022 deer season. Among other things, the new rules require hunters to report their deer harvest within 72 hours of retrieving the deer and before the deer is transferred to someone else (such as a processor). A hunter may designate someone else to make this report. Reports result in a harvest confirmation number, which the rules require the reporting person to retain.³

Default penalties for a violation of an order issued under Part 401 (Wildlife Conservation) of NREPA, along with some exceptions to those penalties, are provided in section 40118 of the act. Under these defaults, violation of the new deer harvest reporting rules is a misdemeanor punishable by imprisonment for up to 90 days or a fine of \$50 to \$500, or both, and the costs of prosecution. (The Department of Natural Resources has said that, given that the reporting process is new for the 2022 season, “this first year we will emphasize an educational approach to hunters rather than enforcement in most circumstances.”)

House Bill 6354 would amend section 40118 of NREPA to provide an exception to the default penalties for violating an order issued under Part 401. Under the bill, a person who violates Part 401, orders issued under it, or conditions on a permit issued under it would be responsible for a state civil infraction and could be ordered to pay a civil fine of up to \$150 if that violation involves reporting a deer harvest or retaining a confirmation number from such a report.

¹ https://www.michigan.gov/dnr/-/media/Project/Websites/dnr/Documents/Boards/NRC/2022/June-2022/Signed_04WCO2022.pdf

² <https://www.michigan.gov/dnr/things-to-do/hunting/deer/harvest-reporting>

³ See <https://www.michigan.gov/dnr/things-to-do/hunting/deer/deer-harvest-reporting-faqs>

The rule is 3.103 on page 28 of the Wildlife Conservation Order: <https://www.michigan.gov/dnr/-/media/Project/Websites/dnr/Documents/Orders/Wildlife-Conservation-Order/WCO.pdf>

FISCAL IMPACT:

House Bill 6354 would have an indeterminate fiscal impact on the state and on local units of government. In revising the penalty for failure to report a deer harvest and failure to retain a deer harvest confirmation number from a misdemeanor to a civil infraction, the bill would impact costs to local county jails, revenue going to libraries, and revenue deposited into the state's Justice System Fund. The fiscal impact would depend on the number of individuals held responsible for a civil infraction, instead of a misdemeanor. Costs to local county jails would be reduced. The cost of incarceration in a local county jail varies by jurisdiction, so the exact savings to local units cannot be determined. In turn, there would be an increase in the amount of revenue collected from payment of civil infraction penalties. Revenue collected from the payment of civil infraction penalties is used to support public and county law libraries. Under section 8827(4) of the Revised Judicature Act, \$10.00 of the civil fine would be deposited into the state's Justice System Fund, so revenue to the state would also 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 to the state or to public and county law libraries cannot be made.

House Bill 6354 is unlikely to directly affect costs or revenues for the Department of Natural Resources.

POSITIONS:

A representative of the Michigan United Conservation Clubs testified in support of the bill. (9-21-22)

The following entities indicated support for the bill (9-21-22):

- Department of Natural Resources
- National Deer Association Michigan Advisory Council

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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.