

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 245

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 40118 (MCL 324.40118), as amended by 2012 PA
520.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 40118. (1) ~~A person~~ **AN INDIVIDUAL** who violates this part,
2 an order or interim order issued under this part, or a condition of
3 a permit issued under this part, except for a violation specified
4 in subsections (2) to ~~(12)~~, **(17)**, is guilty of a misdemeanor
5 punishable by imprisonment for not more than 90 days, or a fine of
6 not less than \$50.00 or more than \$500.00, or both, and the costs
7 of prosecution. In addition, a permit issued by the department
8 under this part shall be revoked pursuant to the administrative
9 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.
10 (2) ~~A person~~ **AN INDIVIDUAL** who violates a provision of this

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

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

17 (4) ~~A person~~ **AN INDIVIDUAL** who violates a provision of this
18 part or an order or interim order issued under this part regarding
19 the possession or taking of elk is guilty of a misdemeanor
20 punishable by imprisonment for not less than 30 days or more than
21 180 days, or a fine of not less than \$500.00 or more than
22 \$2,000.00, or both, and the costs of prosecution.

23 (5) ~~A person~~ **AN INDIVIDUAL** who violates a provision of this
24 part or an order or interim order issued under this part regarding
25 the possession or taking of moose is guilty of a misdemeanor and
26 shall be punished by imprisonment for not less than 90 days or more
27 than 1 year and a fine of not less than \$1,000.00 or more than

1 \$5,000.00, and the costs of 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) ~~(6) A person~~ AN INDIVIDUAL sentenced pursuant to UNDER
14 subsection (3), ~~(4), (5), (10), or (11)~~ (14), OR (15) shall not
15 secure or possess a license of any kind to hunt during the
16 remainder of the year in which convicted and the next 3 succeeding
17 calendar years. ~~A person~~ AN INDIVIDUAL sentenced pursuant to UNDER
18 subsection ~~(7)~~ (11) shall not secure or possess a license to hunt
19 during the remainder of the year in which convicted and the next
20 succeeding calendar year, OR LONGER IN THE DISCRETION OF THE COURT.

21 (8) IN ADDITION TO THE PENALTIES PROVIDED FOR VIOLATING THIS
22 PART OR AN ORDER ISSUED UNDER THIS PART, AN INDIVIDUAL CONVICTED OF
23 THE ILLEGAL KILLING, POSSESSING, PURCHASING, OR SELLING OF A BEAR
24 OR AN ANTLERED WHITE-TAILED DEER IS SUBJECT TO THE FOLLOWING
25 PENALTIES:

26 (A) FOR A FIRST OFFENSE, THE INDIVIDUAL SHALL NOT SECURE OR
27 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) ~~(7) A person~~ AN INDIVIDUAL who violates section 40113(1)
21 is guilty of a misdemeanor punishable by imprisonment for not less
22 than 5 days or more than 90 days, or a fine of not less than
23 \$100.00 or more than \$500.00, or both, and the costs of
24 prosecution.

25 (12) ~~(8) A person~~ AN INDIVIDUAL who violates section 40113(2)
26 is guilty of a misdemeanor punishable by imprisonment for not more
27 than 90 days, or a fine of not less than \$50.00 or more than

1 \$500.00, or both, and the costs of prosecution.

2 (13) ~~(9) A person~~ **AN INDIVIDUAL** who violates section 40113(3)
3 is guilty of a misdemeanor and shall be punished by imprisonment
4 for not less than 5 days or more than 90 days and a fine of not
5 less than \$100.00 or more than \$500.00, and the costs of
6 prosecution.

7 (14) ~~(10) A person~~ **AN INDIVIDUAL** who violates a provision of
8 this part or an order or interim order issued under this part
9 regarding the taking or possession of an animal that has been
10 designated by the department to be a protected animal, other than
11 an animal that appears on a list prepared pursuant to section
12 36505, is guilty of a misdemeanor punishable by imprisonment for
13 not more than 90 days or a fine of not less than \$100.00 or more
14 than \$1,000.00, or both, and the costs of prosecution.

15 (15) ~~(11) A person~~ **AN INDIVIDUAL** who buys or sells game or a
16 protected animal in violation of this part or an order or interim
17 order issued under this part is guilty of a misdemeanor punishable
18 by imprisonment for not more than 90 days or a fine of not more
19 than \$1,000.00, or both, for the first offense, and is guilty of a
20 felony for each subsequent offense.

21 (16) **AN INDIVIDUAL WHO VIOLATES A PROVISION OF THIS PART OR AN**
22 **ORDER OR INTERIM ORDER ISSUED UNDER THIS PART REGARDING THE USE OF**
23 **A SNARE OR CABLE RESTRAINT IS GUILTY OF A MISDEMEANOR PUNISHABLE BY**
24 **IMPRISONMENT FOR NOT MORE THAN 90 DAYS, OR A FINE OF NOT LESS THAN**
25 **\$1000.00, OR BOTH, AND THE COSTS OF PROSECUTION.**

26 (17) ~~(12) If a person~~ **AN INDIVIDUAL** is convicted of a
27 violation of this part or an order or interim order issued under

1 this part and it is alleged in the complaint and proved or admitted
2 at trial or ascertained by the court after conviction that the
3 ~~person~~**INDIVIDUAL** had been previously convicted 2 times within the
4 preceding 5 years for a violation of this part or an order or
5 interim order issued under this part, the ~~person~~**INDIVIDUAL** is
6 guilty of a misdemeanor and shall be punished by imprisonment for
7 not less than 10 days or more than 180 days, and a fine of not less
8 than \$500.00 or more than \$2,000.00, and costs of prosecution.

9 Enacting section 1. This amendatory act takes effect 90 days
10 after the date it is enacted into law.

11 Enacting section 2. This amendatory act does not take effect
12 unless all of the following bills of the 98th Legislature are
13 enacted into law:

14 (a) Senate Bill No. 244.

15 (b) Senate Bill No. 246.