

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

1 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

2 (2) ~~A person~~ **AN INDIVIDUAL** who violates a provision of this
3 part or an order or interim order issued under this part regarding
4 the possession or taking of any game, except deer, bear, wild
5 turkey, 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, ~~a person~~
10 **AN 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 shall be punished by imprisonment for not less than
14 5 days or more than 90 days, and a fine of not less than \$200.00 or
15 more than \$1,000.00, and the costs of prosecution. ~~A person~~ **AN**
16 **INDIVIDUAL** shall not be punished under this subsection for lawfully
17 removing, capturing, or destroying a wolf under 2008 PA 290, MCL
18 324.95151 to 324.95155, or 2008 PA 318, MCL 324.95161 to 324.95167.

19 (4) ~~A person~~ **AN INDIVIDUAL** who violates a provision of this
20 part or an order or interim order issued under this part regarding
21 the possession or taking of elk is guilty of a misdemeanor
22 punishable by imprisonment for not less than 30 days or more than
23 180 days, or a fine of not less than \$500.00 or more than
24 \$2,000.00, or both, and the costs of prosecution.

25 (5) ~~A person~~ **AN INDIVIDUAL** who violates a provision of this
26 part or an order or interim order issued under this part regarding
27 the possession or taking of moose is guilty of a misdemeanor and

1 shall be punished by imprisonment for not less than 90 days or more
2 than 1 year and a fine of not less than \$1,000.00 or more than
3 \$5,000.00, and the costs of prosecution.

4 (6) AN INDIVIDUAL WHO VIOLATES A PROVISION OF THIS PART OR AN
5 ORDER OR INTERIM ORDER ISSUED UNDER THIS PART REGARDING THE
6 POSSESSION OR TAKING OF WATERFOWL IS GUILTY OF A MISDEMEANOR
7 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF
8 NOT LESS THAN \$250.00 OR MORE THAN \$500.00, OR BOTH, AND THE COSTS
9 OF PROSECUTION. AN INDIVIDUAL WHO VIOLATES A PROVISION OF THIS PART
10 OR AN ORDER OR INTERIM ORDER ISSUED UNDER THIS PART REGARDING THE
11 POSSESSION OR TAKING OF WATERFOWL A SECOND OR SUBSEQUENT TIME IS
12 GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE
13 THAN 90 DAYS OR A FINE OF \$500.00, OR BOTH, AND THE COSTS OF
14 PROSECUTION.

15 (7) ~~(6) A person~~ AN INDIVIDUAL sentenced pursuant to ~~UNDER~~
16 subsection (3), ~~(4), (5), (10), or (11)~~ (14), OR (15) shall not
17 secure or possess a license of any kind to hunt during the
18 remainder of the year in which convicted and the next 3 succeeding
19 calendar years. ~~A person~~ AN INDIVIDUAL sentenced pursuant to ~~UNDER~~
20 subsection ~~(7)~~ (11) shall not secure or possess a license to hunt
21 during the remainder of the year in which convicted and the next
22 succeeding 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 IS SUBJECT TO THE FOLLOWING
27 PENALTIES:

1 (A) FOR A FIRST OFFENSE, THE INDIVIDUAL SHALL NOT SECURE OR
2 POSSESS A LICENSE OF ANY KIND TO HUNT FOR AN ADDITIONAL 2 CALENDAR
3 YEARS AFTER THE PENALTIES IMPOSED UNDER SUBSECTION (7).

4 (B) FOR A SECOND OR SUBSEQUENT OFFENSE, THE INDIVIDUAL SHALL
5 NOT SECURE OR POSSESS A LICENSE OF ANY KIND TO HUNT FOR AN
6 ADDITIONAL 7 CALENDAR YEARS AFTER THE PENALTIES IMPOSED UNDER
7 SUBSECTION (7).

8 (9) IN ADDITION TO THE PENALTIES PROVIDED FOR VIOLATING THIS
9 PART OR AN ORDER ISSUED UNDER THIS PART, AN INDIVIDUAL CONVICTED OF
10 THE ILLEGAL KILLING, POSSESSING, PURCHASING, OR SELLING OF A WILD
11 TURKEY SHALL NOT SECURE OR POSSESS A LICENSE OF ANY KIND TO HUNT
12 FOR AN ADDITIONAL 2 CALENDAR YEARS AFTER THE PENALTIES IMPOSED
13 UNDER SUBSECTION (7).

14 (10) AN INDIVIDUAL SENTENCED UNDER SUBSECTION (4) OR (5) IS
15 SUBJECT TO THE FOLLOWING PENALTIES:

16 (A) FOR A FIRST OFFENSE, THE INDIVIDUAL SHALL NOT SECURE OR
17 POSSESS A LICENSE OF ANY KIND TO HUNT FOR THE REMAINDER OF THE YEAR
18 IN WHICH CONVICTED AND THE NEXT 15 SUCCEEDING CALENDAR YEARS.

19 (B) FOR A SECOND OFFENSE, THE INDIVIDUAL SHALL NOT SECURE OR
20 POSSESS A LICENSE OF ANY KIND TO HUNT FOR THE REMAINDER OF THAT
21 INDIVIDUAL'S LIFE.

22 (11) ~~(7) A person~~ AN INDIVIDUAL who violates section 40113(1)
23 is guilty of a misdemeanor punishable by imprisonment for not less
24 than 5 days or more than 90 days, or a fine of not less than
25 \$100.00 or more than \$500.00, or both, and the costs of
26 prosecution.

27 (12) ~~(8) A person~~ AN INDIVIDUAL who violates section 40113(2)

1 is guilty of a misdemeanor punishable by imprisonment for not more
2 than 90 days, or a fine of not less than \$50.00 or more than
3 \$500.00, or both, and the costs of prosecution.

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

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

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

23 (16) **AN INDIVIDUAL WHO WILLFULLY VIOLATES A PROVISION OF THIS**
24 **PART OR AN ORDER OR INTERIM ORDER ISSUED UNDER THIS PART BY USING**
25 **AN ILLEGALLY CONSTRUCTED SNARE OR CABLE RESTRAINT IS GUILTY OF A**
26 **MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS,**
27 **OR A FINE OF \$1,000.00 FOR THE FIRST ILLEGALLY CONSTRUCTED SNARE OR**

1 CABLE RESTRAINT AND \$250.00 FOR EACH SUBSEQUENT ILLEGALLY
2 CONSTRUCTED SNARE OR CABLE RESTRAINT, OR BOTH, AND THE COSTS OF
3 PROSECUTION.

4 (17) ~~(12)~~ If a ~~person~~ **AN INDIVIDUAL** is convicted of a
5 violation of this part or an order or interim order issued under
6 this part and it is alleged in the complaint and proved or admitted
7 at trial or ascertained by the court after conviction that the
8 ~~person~~ **INDIVIDUAL** had been previously convicted 2 times within the
9 preceding 5 years for a violation of this part or an order or
10 interim order issued under this part, the ~~person~~ **INDIVIDUAL** is
11 guilty of a misdemeanor and shall be punished by imprisonment for
12 not less than 10 days or more than 180 days, and a fine of not less
13 than \$500.00 or more than \$2,000.00, and costs of prosecution.

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

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

19 (a) Senate Bill No. 244.

20 (b) Senate Bill No. 246.