

**SUBSTITUTE FOR  
HOUSE BILL NO. 4340**

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 40112 (MCL 324.40112), as amended by 2015 PA  
12.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 40112. (1) An individual shall not obstruct or interfere  
2 in the lawful taking of animals or fish by another individual.

3           (2) An individual violates this section ~~when~~**if** the individual  
4 intentionally or knowingly does any of the following:

5           (a) Drives or disturbs animals or fish for the purpose of  
6 disrupting a lawful taking.

7           (b) Blocks, impedes, or harasses another individual who is  
8 engaged in the process of lawfully taking an animal or fish.



1 (c) Uses a natural or artificial visual, aural, olfactory,  
2 gustatory, or physical stimulus or an unmanned vehicle or unmanned  
3 device that uses aerodynamic forces to achieve flight or that  
4 operates on the surface of the water or underwater, to affect  
5 animal or fish behavior in order to hinder or prevent the lawful  
6 taking of an animal or a fish.

7 (d) Erects barriers to deny ingress or egress to areas where  
8 the lawful taking of animals or fish may occur. This subdivision  
9 does not apply to an individual who erects barriers to prevent  
10 trespassing on his or her property.

11 (e) Interjects himself or herself into the line of fire of an  
12 individual lawfully taking wildlife.

13 (f) Affects the condition or placement of personal or public  
14 property intended for use in the lawful taking of an animal or a  
15 fish in order to impair the usefulness of the property or prevent  
16 the use of the property.

17 (g) Enters or remains upon private lands without the  
18 permission of the owner or the owner's agent, for the purpose of  
19 violating this section.

20 **(h) Photographs, videotapes, audiotapes, or otherwise records**  
21 **an individual who is lawfully taking an animal or fish with the**  
22 **intent to harass that individual.**

23 **(i) ~~(h)~~**—Engages in any other act or behavior for the purpose  
24 of violating this section.

25 (3) Upon petition of an aggrieved person or an individual who  
26 reasonably may be aggrieved by a violation of this section, a court  
27 of competent jurisdiction, upon a showing that an individual was  
28 engaged in and threatens to continue to engage in illegal conduct  
29 under this section, may enjoin that conduct.



1           (4) An individual who violates this section is guilty of a  
2 misdemeanor punishable by imprisonment for not more than 93 days or  
3 a fine of not less than \$500.00 or more than \$1,000.00, or both,  
4 and the costs of prosecution. An individual who violates this  
5 section a second or subsequent time is guilty of a misdemeanor  
6 punishable by imprisonment for not more than 1 year or a fine of  
7 not less than \$1,000.00 or more than \$2,500.00, or both, and the  
8 costs of prosecution. In addition to the penalties provided for in  
9 this subsection, any permit or license issued by the department  
10 authorizing the individual to take animals or fish ~~shall~~**must** be  
11 revoked. A prosecution under this section does not preclude  
12 prosecution or other action under any other criminal or civil  
13 statute.

14           (5) This section does not apply to a peace officer while the  
15 peace officer performs his or her lawful duties.

