



Senate Fiscal Agency  
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## BILL ANALYSIS



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Senate Bills 963 through 966 (as introduced 4-18-96)  
Sponsor: Senator Robert Geake  
Committee: Natural Resources and Environmental Affairs

Date Completed: 4-23-96

## CONTENT

**Senate Bills 963, 964, and 966 would amend the Natural Resources and Environmental Protection Act to prohibit a person from obstructing, or interfering with, the lawful taking of fish and aquatic species and provide the same penalties for a violation of this prohibition as there are currently for a violation of the Act's prohibition against interfering with the taking of animals. Senate Bill 965 would amend the Act to expand the prohibition against interfering with the lawful taking of animals.**

Following is a more detailed description of the bills.

### Senate Bill 963

The bill would amend Part 487 (Sport Fishing) of the Natural Resources and Environmental Protection Act to prohibit a person from obstructing or interfering in the lawful taking of aquatic species by another person. "Aquatic species" would mean fish, mollusks, crustaceans, minnows, wigglers, and amphibians of the class amphibia.

A person would be in violation of this prohibition if he or she knowingly or intentionally did any of the following:

- Drove or disturbed an aquatic species for the purpose of disrupting a lawful taking.
- Blocked, impeded, or harassed another person who was engaged in the process of lawfully taking an aquatic species.
- Used a natural or artificial visual, aural, olfactory, gustatory, or physical stimulus to affect aquatic species behavior in order to hinder or prevent the lawful taking of an aquatic species.
- Erected barriers with the intent to deny ingress or egress to areas where the lawful taking of aquatic species could occur. This would not apply to a person who erected barriers to prevent trespassing on his or her property.
- Intentionally interjected himself or herself into the area where nets, fishing lines, or traps could be placed by a person lawfully taking aquatic species.
- Affected the condition or placement of personal or public property intended for use in the lawful taking of an aquatic species in order to impair the usefulness of the property or prevent the use of the property.
- Entered or remained upon private lands without the permission of the owner or the owner's agent, with intent to violate these provisions.
- Engaged in any other act or behavior with intent to violate these provisions.

The bill is tie-barred to Senate Bill 964.

### **Senate Bill 964**

The bill would amend Part 487 of the Act to specify that if petitioned by an aggrieved person or a person who reasonably could be aggrieved by a violation of the provisions of Senate Bill 963, a court of competent jurisdiction, upon a showing that a person was engaged in and threatened to continue to engage in illegal conduct under Senate Bill 963, could enjoin that conduct.

A person who violated Senate Bill 963 would be guilty of a misdemeanor, punishable by imprisonment for up to 90 days, or a fine of not less than \$500 or more than \$1,000, or both, and the costs of prosecution. In addition, any permit or license issued by the Department of Natural Resources authorizing the person to take animals would be revoked.

Senate Bill 964 specifies that the provisions of Senate Bill 963 would not apply to a peace officer while he or she performed his or her lawful duties.

The bill is tie-barred to Senate Bill 963.

### **Senate Bill 965**

The bill would amend Part 401 (Wildlife Conservation) of the Act to add to the list of activities that constitute a violation of the prohibition against interfering with the lawful taking of animals, knowingly or intentionally engaging in any other act or behavior with the intent of violating the prohibition. Further, the bill would prohibit a person from obstructing or interfering in the lawful taking of animals by another person. Currently, the Act prohibits a person from obstructing or interfering in the lawful taking of animals by another person with the intent to prevent that lawful taking.

### **Senate Bill 966**

The bill would amend Part 473 (Commercial Fishing) of the Act to prohibit a person from obstructing or interfering in the lawful taking of fish by a person licensed under the part. The bill contains the same provisions as those in Senate Bills 963 and 964.

Proposed MCL 324.48702a (S.B. 963)  
Proposed MCL 324.48702b (S.B. 964)  
MCL 324.40112 (S.B. 965)  
Proposed MCL 324.47301a (S.B. 966)

Legislative Analyst: L. Burghardt

### **FISCAL IMPACT**

Senate Bills 963, 964, and 966 would have no fiscal impact on the Department of Corrections, yet could result in increased local costs for prosecuting and sanctioning convicted violators of the bill. There are no data currently available that might indicate the expected number of annual violations. The bills could generate increased revenues to the State from criminal fines and penalties.

The bills would have an indeterminate fiscal impact on the Department of Natural Resources, depending on the number of potential violations and the amount of fishing law enforcement activities required.

Senate Bill 965 would have no fiscal impact on State or local government.

Fiscal Analyst: G. Cutler  
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.