

HOUSE BILL NO. 5697

March 17, 2020, Introduced by Reps. Howell and Filler and referred to the Committee on Judiciary.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 40118 and 43558 (MCL 324.40118 and 324.43558),
section 40118 as amended by 2017 PA 124 and section 43558 as
amended by 2013 PA 108.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 40118. (1) An individual who violates this part, an order
- 2 or interim order issued under this part, or a condition of a permit
- 3 issued under this part, except for a violation specified in



1 subsections (2) to ~~(18)~~, **(19)**, is guilty of a misdemeanor
2 punishable by imprisonment for not more than 90 days ~~or~~ a fine of
3 not less than \$50.00 or more than \$500.00, or both, and the costs
4 of prosecution. In addition, a permit issued by the department
5 under this part must be revoked pursuant to the administrative
6 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

7 (2) An individual who violates a provision of this part or an
8 order or interim order issued under this part regarding the
9 possession or taking of any game, except deer, bear, wild turkey,
10 wolf, waterfowl, moose, or elk, is guilty of a misdemeanor
11 punishable by imprisonment for not more than 90 days ~~or~~ a fine of
12 not less than \$100.00 or more than \$1,000.00, or both, and the
13 costs of prosecution.

14 (3) Except as otherwise provided in this subsection, an
15 individual who violates a provision of this part or an order or
16 interim order issued under this part regarding the possession or
17 taking of deer, bear, wild turkey, or wolf is guilty of a
18 misdemeanor and shall be punished by imprisonment for not less than
19 5 days or more than 90 days ~~and~~ a fine of not less than \$200.00
20 or more than \$1,000.00, and the costs of prosecution. An individual
21 shall not be punished under this subsection for lawfully removing,
22 capturing, or destroying a wolf under 2008 PA 290, MCL 324.95151 to
23 324.95155, or 2008 PA 318, MCL 324.95161 to 324.95167.

24 (4) An individual who violates a provision of this part or an
25 order or interim order issued under this part regarding the
26 possession or taking of elk is guilty of a misdemeanor punishable
27 by imprisonment for not less than 30 days or more than 180 days ~~or~~
28 or a fine of not less than \$500.00 or more than \$2,000.00, or both,
29 and the costs of prosecution.



1 (5) An individual who violates a provision of this part or an
2 order or interim order issued under this part regarding the
3 possession or taking of moose is guilty of a misdemeanor punishable
4 by imprisonment for not less than 90 days or more than 1 year and a
5 fine of not less than \$1,000.00 or more than \$5,000.00, and the
6 costs of prosecution.

7 (6) An individual who violates a provision of this part or an
8 order or interim order issued under this part regarding the
9 possession or taking of waterfowl is guilty of a misdemeanor
10 punishable by imprisonment for not more than 90 days or a fine of
11 not less than \$250.00 or more than \$500.00, or both, and the costs
12 of prosecution. An individual who violates a provision of this part
13 or an order or interim order issued under this part regarding the
14 possession or taking of waterfowl a second or subsequent time is
15 guilty of a misdemeanor punishable by imprisonment for not more
16 than 90 days or a fine of \$500.00, or both, and the costs of
17 prosecution.

18 (7) An individual sentenced under subsection (3), (14), or
19 (15) shall not secure or possess a license of any kind to hunt
20 during the remainder of the year in which convicted and the next 3
21 succeeding calendar years. An individual sentenced under subsection
22 (11) shall not secure or possess a license to hunt during the
23 remainder of the year in which convicted and the next succeeding
24 calendar year, or longer in the discretion of the court.

25 (8) In addition to the penalties provided for violating this
26 part or an order issued under this part, an individual convicted of
27 the illegal killing, possessing, purchasing, or selling of a bear
28 or an antlered white-tailed deer is subject to the following
29 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) An individual who violates section 40113(1) is guilty of
23 a misdemeanor punishable by imprisonment for not less than 5 days
24 or more than 90 days ~~—~~or a fine of not less than \$100.00 or more
25 than \$500.00, or both, and the costs of prosecution.

26 (12) An individual who violates section 40113(2) is guilty of
27 a misdemeanor punishable by imprisonment for not more than 90 days
28 ~~—~~or a fine of not less than \$50.00 or more than \$500.00, or both,
29 and the costs of prosecution.



1 (13) An individual who violates section 40113(3) is guilty of
2 a misdemeanor punishable by imprisonment for not less than 5 days
3 or more than 90 days and a fine of not less than \$100.00 or more
4 than \$500.00, and the costs of prosecution.

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

13 (15) An individual who buys or sells game or a protected
14 animal in violation of this part or an order or interim order
15 issued under this part is guilty of a misdemeanor punishable by
16 imprisonment for not more than 90 days or a fine of not more than
17 \$1,000.00, or both, for the first offense, and is guilty of a
18 felony for each subsequent offense.

19 (16) An individual who willfully violates a provision of this
20 part or an order or interim order issued under this part by using
21 an illegally constructed snare or cable restraint is guilty of a
22 misdemeanor punishable by imprisonment for not more than 90 days ~~7~~
23 or a fine of \$1,000.00 for the first illegally constructed snare or
24 cable restraint and \$250.00 for each subsequent illegally
25 constructed snare or cable restraint, or both, and the costs of
26 prosecution.

27 (17) An individual who violates a provision of this part or an
28 order or interim order issued under this part regarding the
29 importation of a cervid carcass or parts of a cervid carcass, other



1 than hides, deboned meat, quarters or other parts of a cervid that
2 do not have any part of the spinal column or head attached,
3 finished taxidermy products, cleaned teeth, antlers, or antlers
4 attached to a skullcap cleaned of brain and muscle tissue, from
5 another state or province is guilty of a misdemeanor punishable by
6 imprisonment for not more than 90 days or a fine of not less than
7 \$500.00 or more than \$2,000.00, or both, and the costs of
8 prosecution.

9 (18) If an individual is convicted of a violation of this part
10 or an order or interim order issued under this part and it is
11 alleged in the complaint and proved or admitted at trial or
12 ascertained by the court after conviction that the individual had
13 been previously convicted 2 times within the preceding 5 years for
14 a violation of this part or an order or interim order issued under
15 this part, the individual is guilty of a misdemeanor punishable by
16 imprisonment for not less than 10 days or more than 180 days ~~and~~
17 a fine of not less than \$500.00 or more than \$2,000.00, and costs
18 of prosecution.

19 (19) **An individual who violates a provision of this part or an**
20 **order or interim order issued under this part regarding any of the**
21 **following is responsible for a state civil infraction and may be**
22 **ordered to pay a civil fine of \$150.00:**

23 (a) **Attaching that individual's name, driver license number,**
24 **or sportcard number to a ground blind.**

25 (b) **Attaching that individual's name, driver license number,**
26 **or sportcard number to a tree stand, scaffold, or raised platform.**

27 (c) **Supplemental feeding of deer.**

28 Sec. 43558. (1) A person is guilty of a misdemeanor if the
29 person does any of the following:



1 (a) Makes a false statement as to material facts for the
2 purpose of obtaining a license or uses or attempts to use a license
3 obtained by making a false statement.

4 (b) Affixes to a license a date or time other than the date or
5 time issued.

6 (c) Issues a license without receiving and remitting the fee
7 to the department.

8 (d) ~~Without~~ **Except as otherwise provided in this section,**
9 **without** a license, takes or possesses a wild animal, wild bird, or
10 aquatic species, except aquatic insects. This subdivision does not
11 apply to ~~a person~~ **an individual** less than 17 years of age who
12 without a license takes or possesses aquatic species.

13 (e) Sells, loans, or permits in any manner another ~~person~~
14 **individual** to use the ~~person's~~ **individual's** license or uses or
15 attempts to use another ~~person's~~ **individual's** license.

16 (f) Falsely makes, alters, forges, or counterfeits a sportcard
17 or a hunting, fishing, or fur harvester's license or possesses an
18 altered, forged, or counterfeited hunting, fishing, or fur
19 harvester's license.

20 (g) Uses a tag furnished with a deer license, bear hunting
21 license, elk hunting license, or wild turkey hunting license more
22 than 1 time, or attaches or allows a tag to be attached to a deer,
23 bear, elk, or turkey other than a deer, bear, elk, or turkey
24 lawfully killed by the ~~person~~ **individual**.

25 (h) Except as provided by law, makes an application for,
26 obtains, or purchases more than 1 license for a hunting, fishing,
27 or trapping season, not including a limited fishing license, second
28 deer license, antlerless deer license, or other license
29 specifically authorized by law, or if the applicant's license has



1 been lost or destroyed.

2 (i) Applies for, obtains, or purchases a license during a time
3 that the ~~person~~**individual** is ineligible to secure a license.

4 (j) Knowingly obtains, or attempts to obtain, a resident or a
5 senior license if that ~~person~~**individual** is not a resident of this
6 state.

7 (2) Except as provided in subsection (5), a person who
8 violates subsection (1) shall be punished by imprisonment for not
9 more than 90 days ~~—~~or a fine of not less than \$25.00 or more than
10 \$250.00 and the costs of prosecution, or both. In addition, the
11 person shall surrender any license and license tag that was
12 wrongfully obtained.

13 (3) ~~A person~~**An individual** licensed to carry a firearm under
14 this part is prohibited from doing so while under the influence of
15 a controlled substance or alcohol or a combination of a controlled
16 substance and alcohol. ~~A person~~**An individual** who violates this
17 subsection is guilty of a misdemeanor ~~—~~punishable by imprisonment
18 for 90 days ~~—~~or a fine of \$500.00, or both.

19 (4) An applicant for a license under this part who has
20 previously been convicted of a violation of the game and fish laws
21 of this state may be required to file an application with the
22 department together with other information that the department
23 considers expedient. The license may be issued by the department.

24 (5) ~~A person~~**An individual** who violates subsection (1)(d),
25 upon a showing that the ~~person~~**individual** was ineligible to secure
26 a license under court order or other lawful authority, is guilty of
27 a misdemeanor ~~—~~punishable by imprisonment for not more than 180
28 days ~~—~~or a fine of not less than \$500.00 and not more than
29 \$2,500.00, or both, and the costs of prosecution.



1 (6) An individual who violates section 43509(2) is responsible
2 for a civil infraction and may be ordered to pay a civil fine of
3 \$150.00.

