

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

***** 324.82128.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 24, 2021 *****

324.82128.amended Violations; sanctions.

Sec. 82128. (1) If a person is convicted of violating section 82127(1), the following apply:

(a) Except as otherwise provided in subdivisions (b) and (c), the person is guilty of a misdemeanor and may be punished by 1 or more of the following:

- (i) Community service for not more than 45 days.
- (ii) Imprisonment for not more than 93 days.
- (iii) A fine of not less than \$100.00 or more than \$500.00.

(b) If the violation occurs within 7 years of a prior conviction, the person shall be sentenced to a fine of not less than \$200.00 or more than \$1,000.00 and either of the following:

(i) Community service for not less than 10 days or more than 90 days, and may be imprisoned for not more than 1 year.

(ii) Imprisonment for not less than 48 consecutive hours or more than 1 year, and may be sentenced to community service for not more than 90 days.

(c) If the violation occurs after 2 or more prior convictions regardless of the number of years that have elapsed since any prior conviction, the person is guilty of a felony and shall be sentenced to imprisonment for not less than 1 year or more than 5 years or a fine of not less than \$500.00 or more than \$5,000.00, or both.

(2) A term of imprisonment imposed under subsection (1)(b)(ii) or (1)(c) shall not be suspended unless the defendant agrees to participate in a specialty court program and successfully completes the program.

(3) A person sentenced to perform service to the community under this section shall not receive compensation and shall reimburse the state or appropriate local unit of government for the cost of supervision incurred by the state or local unit of government as a result of the person's activities in that service if ordered by the court.

(4) In addition to the sanctions prescribed under subsection (1) and section 82127(4) and (5), the court may, under chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1 to 769.36, order the person to pay the costs of the prosecution. The court shall also impose sanctions under section 82142.

(5) A person who is convicted of violating section 82127(2) is guilty of a misdemeanor, punishable by imprisonment for not more than 93 days or a fine of not less than \$100.00 or more than \$500.00, or both.

History: Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 1999, Act 22, Eff. Oct. 1, 2000;—Am. 2014, Act 404, Eff. Mar. 31, 2015;—Am. 2020, Act 385, Eff. Mar. 24, 2021.

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