



Senate Fiscal Agency  
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BILL



ANALYSIS

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Senate Bills 1340 and 1341 (as reported without amendment)

Sponsor: Senator Phil Pavlov (S.B. 1340)

Senator Tom Casperson (S.B. 1341)

Committee: Outdoor Recreation and Tourism

### **CONTENT**

Senate Bill 1340 would amend Part 401 (Wildlife Conservation) of the Natural Resources and Environmental Protection Act to require a person to pay restitution to the State for illegally killing, possessing, purchasing, or selling an antlered white-tailed deer with a "gross score" of more than 100 inches, in addition to the restitution that currently must be paid for illegally taken deer generally.

The restitution value would be equal to  $[(\text{gross score} - 100)^2 \times \$1.65]$ . "Gross score" would mean the number derived by calculating the measurements of the antlers of a white-tailed deer. The bill prescribes procedures for taking the measurements, and provides that the measurements could be taken at any time.

Senate Bill 1341 would amend Part 731 (Recreational Trespass) of the Act to increase the amount of damages that a property owner may recover in an action against a recreational trespasser, and increase the fine that may be imposed on a person convicted of violating Part 731.

Part 731 prohibits a person from entering or remaining upon another person's property to engage in any recreational activity or trapping without the owner's consent. (If the land is not farm property or a wooded area connected to farm property, it must be fenced or enclosed, or be conspicuously posted against entry.) Part 731 also prohibits a person from discharging a firearm within the right-of-way of a public highway adjoining or abutting any platted property, fenced, enclosed, or posted property, or farm property or a connected wooded area, without the abutting property owner's consent.

A property owner may bring an action against a violator for \$250 or actual property damage, whichever is greater, and actual and reasonable attorney fees. The bill would increase the amount to the greater of \$750 or actual property damage, as well as attorney fees.

A violator also is guilty of a misdemeanor punishable by imprisonment for up to 90 days and/or a fine of at least \$100 but not more than \$500. The bill would increase the minimum fine to \$250 and maximum fine to \$750.

The current penalty for a second or subsequent violation within three years is imprisonment for up to 90 days and/or a fine of at least \$100 but not more than \$1,000. In addition, if the violator is licensed to hunt, fish, or trap in Michigan, the court may order the person's license revoked. The court also may order the person not to seek or possess a license for up to three years. The bill would increase the minimum fine to \$500 and the maximum fine to \$1,500.

The bills are tie-barred to each other.

MCL 324.40119 (S.B. 1340)  
324.73109 & 324.73110 (S.B. 1341)

Legislative Analyst: Suzanne Lowe

### **FISCAL IMPACT**

Senate Bill 1340 would have a small, but likely positive effect on State finances, and no fiscal impact on local units of government. The bill would require individuals convicted of illegally taking, purchasing, possessing, or selling an antlered white-tailed deer with a gross score over 100 inches to pay restitution calculated on the gross score in addition to any other penalties prescribed by law. It is unknown how much revenue would be raised by the additional restitution, but the bill would require that revenue to be deposited in the Game and Fish Protection Fund.

Senate Bill 1341 would increase criminal fines for violations of Part 731. Revenue from these increased fines would benefit public libraries.

Date Completed: 11-8-12

Fiscal Analyst: Dan O'Connor  
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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.