

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 171

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 40119 (MCL 324.40119), as amended by 2004 PA
587.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 40119. (1) In addition to the penalties provided for
2 violating this part or an order issued under this part, and the
3 penalty provided in section 36507, ~~a person~~ **AN INDIVIDUAL** convicted
4 of the illegal killing, possessing, purchasing, or selling ~~of~~
5 game or protected animals, in whole or in part, shall reimburse the
6 state for the value of the game or protected animal as follows:

7 (a) Bear, elk, hawk, moose, or any animal that appears on a
8 list specified in section 36505, \$1,500.00 per animal.

Senate Bill No. 171 (H-3) as amended November 12, 2013

1 (b) Deer, owl, and wild turkey, \$1,000.00 per animal.

2 (c) Other game not listed in subdivision (a) or (b), not less
3 than \$100.00 or more than \$500.00 per animal.

4 (d) Other protected animals, \$100.00 per animal.

5 (2) IN ADDITION TO THE RESTITUTION VALUE ESTABLISHED IN
6 SUBSECTION (1), AN INDIVIDUAL CONVICTED OF THE ILLEGAL KILLING,
7 POSSESSING, PURCHASING, OR SELLING OF AN ANTLERED WHITE-TAILED DEER
8 ALSO SHALL PAY AN ADDITIONAL RESTITUTION VALUE THAT IS EQUAL TO
9 \$1,000.00 PLUS 1 OF THE FOLLOWING:

10 (A) FOR AN ANTLERED WHITE-TAILED DEER WITH AT LEAST 8 BUT NOT
11 MORE THAN 10 POINTS, \$500.00 FOR EACH POINT[.

12]

13 (B) FOR AN ANTLERED WHITE-TAILED DEER WITH 11 OR MORE POINTS,
14 \$750.00 FOR EACH POINT[.]

15 (3) IN ADDITION TO THE PENALTIES PROVIDED FOR VIOLATING THIS
16 PART OR AN ORDER ISSUED UNDER THIS PART, AN INDIVIDUAL CONVICTED OF
17 THE ILLEGAL KILLING, POSSESSING, PURCHASING, OR SELLING OF AN
18 ANTLERED WHITE-TAILED DEER IS SUBJECT TO THE FOLLOWING PENALTIES:

19 (A) FOR A FIRST OFFENSE, THE INDIVIDUAL SHALL NOT SECURE OR
20 POSSESS A LICENSE OF ANY KIND TO HUNT FOR AN ADDITIONAL 2 CALENDAR
21 YEARS AFTER THE PENALTIES IMPOSED UNDER SECTION 40118(6).

22 (B) FOR A SECOND OR SUBSEQUENT OFFENSE, THE INDIVIDUAL SHALL
23 NOT SECURE OR POSSESS A LICENSE OF ANY KIND TO HUNT FOR AN
24 ADDITIONAL 7 CALENDAR YEARS AFTER THE PENALTIES IMPOSED UNDER
25 SECTION 40118(6).

26 (4) ~~(2)~~—The court in which a conviction for a violation
27 described in subsection (1) OR (2) is obtained shall order the

1 defendant to forfeit to the state a sum as set forth in subsection
2 (1) **OR** (2). If 2 or more defendants are convicted of the illegal
3 killing, possessing, purchasing, or selling, in whole or in part,
4 of game or protected animals listed in subsection (1) **OR** (2), the
5 forfeiture prescribed shall be declared against them jointly.

6 (5) ~~(3)~~—If a defendant fails to pay upon conviction the sum
7 ordered by the court to be forfeited, the court shall either impose
8 a sentence and, as a condition of the sentence, require the
9 defendant to satisfy the forfeiture in the amount prescribed and
10 fix the manner and time of payment, or make a written order
11 permitting the defendant to pay the sum to be forfeited in
12 installments at those times and in those amounts that, in the
13 opinion of the court, the defendant is able to pay.

14 (6) ~~(4)~~—If a defendant defaults in payment of the sum
15 forfeited or of an installment, the court on motion of the
16 department or upon its own motion may require the defendant to show
17 cause why the default should not be treated as a civil contempt,
18 and the court may issue a summons or warrant of arrest for his or
19 her appearance. Unless the defendant shows that the default was not
20 due to an intentional refusal to obey the order of the court or to
21 a failure to make a good faith effort to obtain the funds required
22 for the payment, the court shall find that the default constitutes
23 a civil contempt.

24 (7) ~~(5)~~—If it appears that the defendant's default in the
25 payment of the forfeiture does not constitute civil contempt, the
26 court may enter an order allowing the defendant additional time for
27 payment, reducing the amount of the forfeiture or of each

1 installment, or revoking the forfeiture or the unpaid portion of
2 the forfeiture, in whole or in part.

3 (8) ~~(6)~~—A default in the payment of the forfeiture or an
4 installment payment may be collected by any means authorized for
5 the enforcement of a judgment under chapter 60 of the revised
6 judicature act of 1961, 1961 PA 236, MCL 600.6001 to 600.6098.

7 (9) ~~(7)~~—A court receiving forfeiture damages shall remit the
8 damages to the county treasurer, who shall deposit the damages with
9 the state treasurer, who shall deposit the damages in the game and
10 fish protection account ~~of the Michigan conservation and recreation~~
11 ~~legacy fund provided for~~ **ESTABLISHED** in section 2010.

12 (10) **AS USED IN THIS SECTION, "POINT" MEANS A PROJECTION ON**
13 **THE ANTLER OF A WHITE-TAILED DEER THAT IS AT LEAST 1 INCH LONG AS**
14 **MEASURED FROM ITS TIP TO THE NEAREST EDGE OF THE ANTLER BEAM.**

15 Enacting section 1. This amendatory act takes effect upon the
16 expiration of 90 days after the date it is enacted into law.

17 Enacting section 2. This amendatory act does not take effect
18 unless Senate Bill No. 172 of the 97th Legislature is enacted into
19 law.