SENATE BILL NO. 800

February 20, 2020, Introduced by Senators STAMAS, MCBROOM, HORN, MACGREGOR, DALEY, VANDERWALL and SCHMIDT and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act,"

by amending section 40118 (MCL 324.40118), as amended by 2017 PA 124.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 40118. (1) An individual who violates this part, an order or interim order issued under this part, or a condition of a permit issued under this part, except for a violation specified in subsections (2) to (18), is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of
not less than $50.00 or more than $500.00, or both, and the costs
of prosecution. In addition, a permit issued by the department
under this part must be revoked pursuant to the administrative

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

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

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

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

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

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

(8) In addition to the penalties provided for violating this
part or an order issued under this part, an individual convicted of
the illegal killing, possessing, purchasing, or selling of a bear
or an antlered white-tailed deer under subsection (3) or (15) is
subject to the following penalties:

(a) For a first offense, the individual shall not secure or
possess a license of any kind to hunt for an additional 2 calendar
years after the penalties imposed under subsection (7).

(b) For a second or subsequent offense, the individual shall not secure or possess a license of any kind to hunt for an additional 7 calendar years after the penalties imposed under subsection (7).

(9) In addition to the penalties provided for violating this part or an order issued under this part, an individual convicted of the illegal killing, possessing, purchasing, or selling of a wild turkey shall not secure or possess a license of any kind to hunt for an additional 2 calendar years after the penalties imposed under subsection (7).

(10) An individual sentenced under subsection (4) or (5) is subject to the following penalties:

(a) For a first offense, the individual shall not secure or possess a license of any kind to hunt for the remainder of the year in which convicted and the next 15 succeeding calendar years.

(b) For a second offense, the individual shall not secure or possess a license of any kind to hunt for the remainder of that individual's life.

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

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

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

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

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

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

(17) An individual who violates a provision of this part or an
order or interim order issued under this part regarding the
importation of a cervid carcass or parts of a cervid carcass, other
than hides, deboned meat, quarters or other parts of a cervid that
do not have any part of the spinal column or head attached,
finished taxidermy products, cleaned teeth, antlers, or antlers attached to a skullcap cleaned of brain and muscle tissue, from another state or province is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than $500.00 or more than $2,000.00, or both, and the costs of prosecution.

(18) An individual who violates a provision of this part or an order or interim order issued under this part regarding the baiting of deer or the taking of deer over bait is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than $1.00.

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