

SUBSTITUTE FOR
HOUSE BILL NO. 4765

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 49 (MCL 750.49), as amended by 2006 PA 129.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 49. (1) As used in this section, "animal" means a
2 vertebrate other than a human **BEING**.

3 (2) A person shall not knowingly do any of the following:

4 (a) Own, possess, use, buy, sell, offer to buy or sell,
5 import, or export an animal for fighting or baiting, or as a target
6 to be shot at as a test of skill in marksmanship.

7 (b) Be a party to or cause the fighting, baiting, or shooting
8 of an animal as described in subdivision (a).

9 (c) Rent or otherwise obtain the use of a building, shed,
10 room, yard, ground, ~~or~~ premises, **VEHICLE, OR ANY OTHER VENUE USED**

1 for fighting, baiting, or shooting an animal as described in
2 subdivision (a).

3 (d) Permit the use of a building, shed, room, yard, ground, ~~or~~
4 premises, **VEHICLE, OR ANY OTHER VENUE** belonging to him or her or
5 under his or her control for any of the purposes described in this
6 section.

7 (e) Organize, promote, or collect money for the fighting,
8 baiting, or shooting of an animal as described in subdivisions (a)
9 to (d).

10 (f) Be present at a building, shed, room, yard, ground, ~~or~~
11 premises, **VEHICLE, OR ANY OTHER VENUE** where preparations are being
12 made for an exhibition described in subdivisions (a) to (d), or be
13 present at the exhibition, knowing that an exhibition is taking
14 place or about to take place.

15 (g) Breed, buy, sell, offer to buy or sell, exchange, import,
16 or export an animal the person knows has been trained or used for
17 fighting as described in subdivisions (a) to (d), or breed, buy,
18 sell, offer to buy or sell, exchange, import, or export the
19 offspring of an animal the person knows has been trained or used
20 for fighting as described in subdivisions (a) to (d). This
21 subdivision does not prohibit owning, breeding, buying, selling,
22 offering to buy or sell, exchanging, importing, or exporting an
23 animal for agricultural or agricultural exposition purposes. **THIS**
24 **SUBDIVISION DOES NOT PROHIBIT AN ANIMAL CONTROL SHELTER, ANIMAL**
25 **PROTECTION SHELTER, OR LAW ENFORCEMENT AGENCY FROM OWNING,**
26 **ADOPTING, OR TRANSFERRING OWNERSHIP OF AN ANIMAL FOR THE PURPOSE OF**
27 **ADOPTION OF AN ANIMAL TRAINED OR USED FOR FIGHTING AS DESCRIBED IN**

1 SUBDIVISIONS (A) TO (D) OR AN ANIMAL THAT IS THE FIRST- OR SECOND-
2 GENERATION OFFSPRING OF AN ANIMAL TRAINED OR USED FOR FIGHTING AS
3 DESCRIBED IN SUBDIVISIONS (A) TO (D), IF THE ANIMAL HAS PASSED A
4 BEHAVIORAL ASSESSMENT AND THE ANIMAL CONTROL SHELTER, ANIMAL
5 PROTECTION SHELTER, OR LAW ENFORCEMENT AGENCY FINDS THAT THE ANIMAL
6 IS FIT FOR PLACEMENT.

7 (h) Own, possess, use, buy, sell, offer to buy or sell,
8 transport, or deliver any device or equipment intended for use in
9 the fighting, baiting, or shooting of an animal as described in
10 subdivisions (a) to (d).

11 (3) A person who violates subsection (2)(a) to (e) is guilty
12 of a felony punishable by 1 or more of the following:

13 (a) Imprisonment for not more than 4 years.

14 (b) A fine of not less than \$5,000.00 or more than \$50,000.00.

15 (c) Not less than 500 or more than 1,000 hours of community
16 service.

17 (4) A person who violates subsection (2)(f) to (h) is guilty
18 of a felony punishable by 1 or more of the following:

19 (a) Imprisonment for not more than 4 years.

20 (b) A fine of not less than \$1,000.00 or more than \$5,000.00.

21 (c) Not less than 250 or more than 500 hours of community
22 service.

23 (5) The court may order a person convicted of violating this
24 section to pay the costs of prosecution.

25 (6) The court may order a person convicted of violating this
26 section to pay the costs for housing and caring for the animal,
27 including, but not limited to, providing veterinary medical

1 treatment, INVESTIGATING THE VIOLATION OF THIS SECTION, AND
2 DISPOSITION OF THE ANIMAL. AS USED IN THIS SUBSECTION,
3 "DISPOSITION" INCLUDES THE TRANSFER, EUTHANASIA, OR ADOPTION OF AN
4 ANIMAL.

5 (7) As part of the sentence for a violation of subsection (2),
6 the court shall order the person convicted not to own or possess an
7 animal of the same species involved in the violation of this
8 section for 5 years after the date of sentencing. Failure to comply
9 with the order of the court pursuant to this subsection is
10 punishable as contempt of court.

11 (8) If a person incites an animal trained or used for fighting
12 or an animal that is the first or second generation offspring of an
13 animal trained or used for fighting to attack a person and ~~thereby~~
14 **THE ATTACK** causes the death of that person, the owner is guilty of
15 a felony punishable by imprisonment for life or for a term of years
16 greater than 15 years.

17 (9) If a person incites an animal trained or used for fighting
18 or an animal that is the first or second generation offspring of an
19 animal trained or used for fighting to attack a person, but the
20 attack does not result in the death of the person, the owner is
21 guilty of a felony punishable by imprisonment for not more than 4
22 years or a fine of not more than \$2,000.00, or both.

23 (10) If an animal trained or used for fighting or an animal
24 that is the first or second generation offspring of an animal
25 trained or used for fighting attacks a person without provocation
26 and causes the death of that person, the owner of the animal is
27 guilty of a felony punishable by imprisonment for not more than 15

1 years.

2 (11) If an animal trained or used for fighting or an animal
3 that is the first or second generation offspring of an animal
4 trained or used for fighting attacks a person without provocation,
5 but the attack does not cause the death of the person, the owner is
6 guilty of a misdemeanor punishable by imprisonment for not more
7 than 1 year or a fine of not more than \$1,000.00, or both.

8 (12) Subsections (8) to (11) do not apply if the person
9 attacked was committing or attempting to commit an unlawful act on
10 the property of the owner of the animal.

11 (13) If an animal trained or used for fighting or an animal
12 that is the first or second generation offspring of a dog trained
13 or used for fighting goes beyond the property limits of its owner
14 without being securely restrained, the owner is guilty of a
15 misdemeanor punishable by imprisonment for not more than 90 days or
16 a fine of not less than \$50.00 nor more than \$500.00, or both.

17 (14) If an animal trained or used for fighting or an animal
18 that is the first or second generation offspring of a dog trained
19 or used for fighting is not securely enclosed or restrained on the
20 owner's property, the owner is guilty of a misdemeanor punishable
21 by imprisonment for not more than 90 days or a fine of not more
22 than \$500.00, or both.

23 (15) Subsections (8) to (14) do not apply to any of the
24 following:

25 (a) A dog trained or used for fighting, or the first or second
26 generation offspring of a dog trained or used for fighting, that is
27 used by a law enforcement agency of ~~the~~**THIS** state or a county,

1 city, village, or township.

2 (b) A certified leader dog recognized and trained by a
3 national guide dog association for the blind or for persons with
4 disabilities.

5 (c) A corporation licensed under the private security business
6 and security alarm act, 1968 PA 330, MCL 338.1051 to ~~338.1083,~~
7 **338.1092**, when a dog trained or used for fighting, or the first or
8 second generation offspring of a dog trained or used for fighting,
9 is used in accordance with the private security business and
10 security alarm act, 1968 PA 330, MCL 338.1051 to ~~338.1083-338.1092.~~

11 (16) ~~An~~ **EXCEPT AS PROVIDED IN SUBSECTION (20), AN** animal that
12 has been used to fight in violation of this section or that is
13 involved in a violation of subsections (8) to (14) shall be
14 confiscated as contraband by a law enforcement officer and shall
15 not be returned to the owner, trainer, or possessor of the animal.
16 The animal shall be taken to a local ~~humane society or other animal~~
17 ~~welfare~~ **CONTROL** agency. If an animal owner, trainer, or possessor
18 is convicted of violating subsection (2) or subsections (8) to
19 (14), the court shall award the animal involved in the violation to
20 the ~~local humane society or other animal welfare~~ **CONTROL SHELTER,**
21 **ANIMAL PROTECTION SHELTER, OR LAW ENFORCEMENT** agency **FOR EVALUATION**
22 **AND DISPOSITION.**

23 (17) **AN ANIMAL CONTROL SHELTER, ANIMAL PROTECTION SHELTER, OR**
24 **LAW ENFORCEMENT AGENCY TAKING CUSTODY OF AN ANIMAL UNDER SUBSECTION**
25 **(16) SHALL GIVE NOTICE WITHIN 72 HOURS AFTER SEIZURE OF THE ANIMAL**
26 **BY 1 OF THE FOLLOWING METHODS:**

27 (A) **POSTING AT THE LOCATION OF THE SEIZURE.**

1 (B) DELIVERY TO A PERSON RESIDING AT THE LOCATION OF THE
2 SEIZURE.

3 (C) REGISTERED MAIL TO THE OWNER OF THE ANIMAL'S LAST-KNOWN
4 ADDRESS, IF THE OWNER OF THE ANIMAL IS KNOWN.

5 (D) REGISTERED MAIL TO THE LOCATION OF THE SEIZURE, IF THE
6 OWNER OF THE ANIMAL IS UNKNOWN.

7 (18) THE NOTICE REQUIRED UNDER SUBSECTION (17) SHALL INCLUDE
8 ALL OF THE FOLLOWING:

9 (A) A DESCRIPTION OF EACH ANIMAL SEIZED.

10 (B) THE TIME, DATE, LOCATION, AND DESCRIPTION OF CIRCUMSTANCES
11 UNDER WHICH THE ANIMAL WAS SEIZED.

12 (C) THE ADDRESS AND TELEPHONE NUMBER OF THE LOCATION WHERE THE
13 ANIMAL IS BEING HELD AND CONTACT INFORMATION FOR THE INDIVIDUAL
14 PRESENT AT THAT LOCATION FROM WHOM SECURITY DEPOSIT OR BOND
15 INFORMATION MAY BE OBTAINED.

16 (D) A STATEMENT THAT THE OWNER OR POSSESSOR OF THE ANIMAL MAY
17 POST A SECURITY DEPOSIT OR BOND TO PREVENT THE FORFEITURE OF THE
18 ANIMAL, THAT FAILURE TO POST A SECURITY DEPOSIT OR BOND WITHIN 14
19 DAYS AFTER THE DATE ON THE NOTICE WILL RESULT IN FORFEITURE OF THE
20 ANIMAL, AND THAT THE OWNER OR POSSESSOR OF THE ANIMAL MAY, BEFORE
21 THE EXPIRATION OF THE 14-DAY PERIOD DESCRIBED IN THIS SUBDIVISION,
22 REQUEST A HEARING ON WHETHER THE REQUIREMENT TO POST A SECURITY
23 DEPOSIT OR BOND IS JUSTIFIED OR WHETHER THE COST ASSOCIATED WITH
24 THE SECURITY DEPOSIT OR BOND IS FAIR AND REASONABLE FOR THE CARE OF
25 AND PROVISION FOR THE SEIZED ANIMAL. AT A HEARING ON WHETHER THE
26 REQUIREMENT TO POST A SECURITY DEPOSIT OR BOND IS JUSTIFIED, THE
27 PROSECUTING ATTORNEY HAS THE BURDEN TO ESTABLISH PROBABLE CAUSE

1 THAT A VIOLATION OF THIS SECTION OCCURRED. IF THE COURT FINDS THAT
2 THE PROSECUTING ATTORNEY HAS MET ITS BURDEN, THE ANIMAL WILL BE
3 FORFEITED TO THE ANIMAL CONTROL SHELTER, ANIMAL PROTECTION SHELTER,
4 OR LAW ENFORCEMENT AGENCY THAT SEIZED THE ANIMAL UNLESS THE OWNER
5 OR POSSESSOR OF THE ANIMAL POSTS THE REQUIRED SECURITY DEPOSIT OR
6 BOND. AN OWNER OR POSSESSOR'S FAILURE TO APPEAR AT A SCHEDULED
7 HEARING REQUESTED UNDER THIS SUBDIVISION SHALL RESULT IN AUTOMATIC
8 FORFEITURE OF THE ANIMAL IF THE DATE OF THE SCHEDULED HEARING IS
9 MORE THAN 14 DAYS AFTER THE DATE ON THE NOTICE DESCRIBED IN THIS
10 SUBSECTION.

11 (E) A STATEMENT THAT THE OWNER OR POSSESSOR OF THE ANIMAL IS
12 RESPONSIBLE FOR ALL COSTS DESCRIBED IN SUBSECTION (6), UNLESS THE
13 COURT DETERMINES THAT THE SEIZURE OF THE ANIMAL WAS NOT
14 SUBSTANTIALLY JUSTIFIED BY LAW.

15 (19) AN ANIMAL CONTROL SHELTER, ANIMAL PROTECTION SHELTER, OR
16 LAW ENFORCEMENT AGENCY THAT HAS SEIZED AN ANIMAL UNDER SUBSECTION
17 (16) SHALL HOLD THE ANIMAL FOR A PERIOD OF 14 CONSECUTIVE DAYS,
18 INCLUDING WEEKENDS AND HOLIDAYS, BEGINNING ON THE DATE NOTICE WAS
19 GIVEN UNDER SUBSECTION (17). AFTER THE EXPIRATION OF THE 14 DAYS,
20 IF THE OWNER OR A POSSESSOR OF THE ANIMAL HAS NOT POSTED A SECURITY
21 DEPOSIT OR BOND AS PROVIDED IN SUBSECTION (20), THE ANIMAL IS
22 FORFEITED, AND THE ANIMAL CONTROL SHELTER, ANIMAL PROTECTION
23 SHELTER, OR LAW ENFORCEMENT AGENCY MAY DISPOSE OF THE ANIMAL BY
24 ADOPTION, TRANSFER TO ANOTHER ANIMAL CONTROL AGENCY, OR HUMANE
25 EUTHANASIA. AN ANIMAL CONTROL SHELTER, ANIMAL PROTECTION SHELTER,
26 OR LAW ENFORCEMENT AGENCY THAT TRANSFERS OR ADOPTS AN ANIMAL AS
27 DESCRIBED IN THIS SUBSECTION SHALL PROVIDE A COPY OF THE ANIMAL'S

1 HISTORY, INCLUDING A DESCRIPTION OF WHY THE ANIMAL WAS SEIZED,
2 VETERINARY RECORDS AND BEHAVIORAL ASSESSMENTS, AND A COPY OF
3 SUBSECTIONS (8) TO (14), TO THE PERSON TO WHOM THE ANIMAL IS
4 TRANSFERRED OR ADOPTED.

5 (20) THE OWNER OR POSSESSOR OF AN ANIMAL SEIZED UNDER
6 SUBSECTION (16) MAY PREVENT FORFEITURE AND DISPOSITION OF THE
7 ANIMAL BY AN ANIMAL CONTROL SHELTER, ANIMAL PROTECTION SHELTER, OR
8 LAW ENFORCEMENT AGENCY BY POSTING A SECURITY DEPOSIT OR BOND WITH
9 THE COURT WITHIN 14 DAYS AFTER THE DATE ON THE NOTICE DESCRIBED IN
10 SUBSECTION (18). THE BOND SHALL BE IN A SUFFICIENT AMOUNT TO SECURE
11 PAYMENT OF ALL COSTS DESCRIBED IN SUBSECTION (6) DURING A 30-DAY
12 PERIOD OF BOARDING AND VETERINARY TREATMENT OF THE ANIMAL AFTER
13 EXAMINATION BY A LICENSED VETERINARIAN. THE ANIMAL CONTROL SHELTER,
14 ANIMAL PROTECTION SHELTER, OR LAW ENFORCEMENT AGENCY SHALL
15 DETERMINE THE AMOUNT OF THE BOND NO LATER THAN 72 HOURS AFTER THE
16 SEIZURE OF THE ANIMAL, AND SHALL MAKE THE AMOUNT OF THE BOND
17 AVAILABLE TO THE OWNER OR POSSESSOR OF THE ANIMAL UPON REQUEST. THE
18 OWNER OR POSSESSOR OF THE ANIMAL SHALL PROVIDE PROOF OF THE
19 SECURITY DEPOSIT OR BOND TO THE ANIMAL CONTROL SHELTER, ANIMAL
20 PROTECTION SHELTER, OR LAW ENFORCEMENT AGENCY NO LATER THAN 14 DAYS
21 AFTER THE DATE ON THE NOTICE DESCRIBED IN SUBSECTION (18).

22 (21) AN ANIMAL CONTROL SHELTER, ANIMAL PROTECTION SHELTER, OR
23 LAW ENFORCEMENT AGENCY THAT IS HOLDING OR REQUIRING TO BE HELD A
24 SEIZED ANIMAL AS PROVIDED IN THIS SECTION MAY DRAW ON A SECURITY
25 DEPOSIT OR BOND POSTED UNDER SUBSECTION (20) TO COVER THE ACTUAL
26 REASONABLE COSTS INCURRED IN THE SEIZURE, CARE, KEEPING, AND
27 DISPOSITION OF THE ANIMAL AS DESCRIBED IN SUBSECTION (6) FROM THE

1 DATE OF THE SEIZURE TO THE DATE OF THE OFFICIAL DISPOSITION OF THE
2 ANIMAL IN THE CRIMINAL ACTION.

3 (22) IF A SECURITY DEPOSIT OR BOND HAS BEEN POSTED UNDER
4 SUBSECTION (20), AND TRIAL IN THE CRIMINAL ACTION IS CONTINUED TO A
5 LATER DATE, THE ORDER OF CONTINUANCE SHALL REQUIRE THE DEFENDANT TO
6 POST AN ADDITIONAL SECURITY DEPOSIT OR BOND IN AN AMOUNT DETERMINED
7 SUFFICIENT BY THE COURT TO COVER THE COSTS DESCRIBED IN SUBSECTION
8 (6) AS ANTICIPATED TO BE INCURRED BY THE ANIMAL CONTROL SHELTER,
9 ANIMAL PROTECTION SHELTER, OR LAW ENFORCEMENT AGENCY CARING FOR THE
10 ANIMAL. THE ADDITIONAL SECURITY DEPOSIT OR BOND SHALL BE CALCULATED
11 IN 30-DAY INCREMENTS AND SHALL CONTINUE UNTIL THE CRIMINAL ACTION
12 IS RESOLVED. IF THE OWNER OR POSSESSOR OF THE ANIMAL FAILS TO POST
13 A NEW SECURITY DEPOSIT OR BOND WITH THE COURT BEFORE THE PREVIOUS
14 SECURITY DEPOSIT OR BOND EXPIRES, THE ANIMAL IS FORFEITED TO THE
15 ANIMAL CONTROL SHELTER, ANIMAL PROTECTION SHELTER, OR LAW
16 ENFORCEMENT AGENCY CARING FOR THE ANIMAL.

17 (23) IF THE OWNER OR POSSESSOR IS FOUND NOT GUILTY IN THE
18 CRIMINAL ACTION, THE AMOUNT OF THE SECURITY DEPOSIT OR BOND POSTED
19 TO PREVENT DISPOSITION OF THE ANIMAL MAY BE RETURNED TO THE OWNER
20 OR POSSESSOR AT THE COURT'S DISCRETION, AND THE ANIMAL SHALL BE
21 RETURNED TO THE OWNER.

22 (24) IF A SECURITY DEPOSIT OR BOND IS POSTED BY AN OWNER OR
23 POSSESSOR OF AN ANIMAL UNDER SUBSECTION (20) AND THE COURT
24 DETERMINES THAT THE ANIMAL IS A DANGEROUS ANIMAL OR LACKS ANY
25 USEFUL PURPOSE UNDER SUBSECTION (26), THE POSTING OF THE SECURITY
26 DEPOSIT OR BOND SHALL NOT PREVENT DISPOSITION OF THE ANIMAL. THE
27 AMOUNT OF THE SECURITY DEPOSIT OR BOND POSTED TO PREVENT

1 DISPOSITION OF THE ANIMAL SHALL BE RETURNED TO THE OWNER OR
 2 POSSESSOR, MINUS THE REASONABLE COSTS INCURRED BY THE ANIMAL
 3 CONTROL SHELTER, ANIMAL PROTECTION SHELTER, OR LAW ENFORCEMENT
 4 AGENCY FOR THE CARE AND EUTHANASIA OF THE ANIMAL AS DESCRIBED IN
 5 SUBSECTION (6).

6 (25) ~~(17)~~ Upon receiving an animal confiscated under this
 7 section, or at any time thereafter, an ~~appointed veterinarian, the~~
 8 ~~humane society, or other animal welfare~~ CONTROL SHELTER, ANIMAL
 9 PROTECTION SHELTER, OR LAW ENFORCEMENT agency may humanely
 10 euthanize the animal OR HAVE THE ANIMAL EUTHANIZED if, in the
 11 opinion of ~~that~~ A LICENSED veterinarian, ~~humane society, or other~~
 12 ~~animal welfare agency,~~ the animal is injured or diseased past
 13 recovery or the animal's continued existence is inhumane so that
 14 euthanasia is necessary to relieve pain and suffering. THIS
 15 SUBSECTION APPLIES TO AN ANIMAL WHETHER OR NOT A SECURITY DEPOSIT
 16 OR BOND HAS BEEN POSTED UNDER SUBSECTION (20).

17 (26) ~~(18)~~ A ~~humane society or other animal welfare~~ AN ANIMAL
 18 CONTROL SHELTER, ANIMAL PROTECTION SHELTER, OR LAW ENFORCEMENT
 19 agency that receives an animal under this section ~~shall~~ MAY apply
 20 to the district court or municipal court for a hearing to determine
 21 whether the animal shall be humanely euthanized because of its lack
 22 of any useful purpose ~~and~~ OR the public safety threat it poses. The
 23 court shall hold a hearing not more than 30 days after the filing
 24 of the application and shall give notice of the hearing to the
 25 owner of the animal. Upon a finding by the court that the animal
 26 lacks any useful purpose ~~and~~ OR poses a threat to public safety,
 27 the ~~humane society or other animal welfare~~ CONTROL SHELTER, ANIMAL

1 **PROTECTION SHELTER, OR LAW ENFORCEMENT** agency shall humanely
 2 euthanize the animal **OR HAVE THE ANIMAL EUTHANIZED**. Expenses
 3 incurred in connection with the housing, care, upkeep, or
 4 euthanasia of the animal by ~~a humane society or other~~ **AN** animal
 5 ~~welfare~~ **CONTROL SHELTER, ANIMAL PROTECTION SHELTER, OR LAW**
 6 **ENFORCEMENT** agency, or by a person, firm, partnership, corporation,
 7 or other entity, ~~shall~~ **MAY, IN THE COURT'S DISCRETION**, be assessed
 8 against the owner of the animal.

9 (27) ~~(19)~~ Subject to subsections (16), ~~to~~ (18), **AND (25)**, all
 10 animals being used or to be used in fighting, equipment, devices
 11 and money involved in a violation of subsection (2) shall be
 12 forfeited to ~~the~~ **THIS** state. All other instrumentalities, proceeds,
 13 and substituted proceeds of a violation of subsection (2) are
 14 subject to forfeiture under chapter 47 of the revised judicature
 15 act of 1961, 1961 PA 236, MCL 600.4701 to 600.4709.

16 (28) ~~(20)~~ The seizing agency may deposit money seized under
 17 subsection ~~(19)~~ **(27)** into an interest-bearing account in a
 18 financial institution. As used in this subsection, "financial
 19 institution" means a state or nationally chartered bank or a state
 20 or federally chartered savings and loan association, savings bank,
 21 or credit union whose deposits are insured by an agency of the
 22 United States government and that maintains a principal office or
 23 branch office located in this state under the laws of this state or
 24 the United States.

25 (29) ~~(21)~~ An attorney for a person who is charged with a
 26 violation of subsection (2) involving or related to money seized
 27 under subsection ~~(19)~~ **(27)** shall be afforded a period of 60 days

1 within which to examine that money. This 60-day period shall begin
2 to run after notice of forfeiture is given but before the money is
3 deposited into a financial institution under subsection ~~(20)~~—**(28)**.

4 If the attorney general, prosecuting attorney, or city or township
5 attorney fails to sustain his or her burden of proof in forfeiture
6 proceedings under subsection ~~(19)~~—**(27)**, the court shall order the
7 return of the money, including any interest earned on money
8 deposited into a financial institution under subsection ~~(20)~~—**(28)**.

9 **(30)** ~~(22)~~—This section does not apply to conduct that is
10 permitted by and is in compliance with any of the following:

11 (a) Part 401 of the natural resources and environmental
12 protection act, 1994 PA 451, MCL 324.40101 to ~~324.40119~~—**324.40120**.

13 (b) Part 435 of the natural resources and environmental
14 protection act, 1994 PA 451, MCL 324.43501 to 324.43561.

15 (c) Part 427 of the natural resources and environmental
16 protection act, 1994 PA 451, MCL 324.42701 to 324.42714.

17 (d) Part 417 of the natural resources and environmental
18 protection act, 1994 PA 451, MCL 324.41701 to 324.41712.

19 **(31)** ~~(23)~~—This section does not prohibit a person from being
20 charged with, convicted of, or punished for any other violation of
21 law that is committed by that person while violating this section.