

SENATE BILL No. 1341

October 17, 2012, Introduced by Senators CASPERSON, PAVLOV, GREEN, BOOHER, PROOS and PAPPAGEORGE and referred to the Committee on Outdoor Recreation and Tourism.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 73109 and 73110 (MCL 324.73109 and 324.73110),
as amended by 1998 PA 546.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 73109. The owner of property on which a violation of this
2 part is committed, or his or her lessee, may bring a cause of
3 action against ~~a person~~ **AN INDIVIDUAL** who violates this part for
4 ~~\$250.00~~ **\$750.00** or actual property damages, whichever is greater,
5 and actual and reasonable attorney fees.

6 Sec. 73110. (1) Except as provided in subsection (2), ~~a person~~
7 **AN INDIVIDUAL** who violates this part is guilty of a misdemeanor
8 punishable by imprisonment for not more than 90 days or a fine of
9 not less than ~~\$100.00~~ **\$250.00** or more than ~~\$500.00~~ **\$750.00**, or
10 both.

1 (2) ~~A person~~ **AN INDIVIDUAL** convicted of a second or subsequent
2 violation of this part occurring within 3 years of a previous
3 violation of this part shall be punished by imprisonment for not
4 more than 90 days or a fine of not less than \$250.00 or more than
5 \$1,000.00, or both. In addition, the court shall order the ~~person's~~
6 **INDIVIDUAL'S** license revoked if the ~~person~~ **INDIVIDUAL** is licensed
7 to hunt, fish, or trap in this state, and shall order the ~~person~~
8 **INDIVIDUAL** not to seek or possess a license for the remainder of
9 the calendar year in which the ~~person~~ **INDIVIDUAL** is convicted and
10 during at least 1 succeeding calendar year. This subsection does
11 not apply after September 30, 2001.

12 (3) This subsection applies beginning October 1, 2001. A
13 ~~person~~ **AN INDIVIDUAL** convicted of a second or subsequent violation
14 of this part occurring within 3 years of a previous violation of
15 this part shall be punished by imprisonment for not more than 90
16 days or a fine of not less than ~~\$100.00~~ **\$500.00** or more than
17 ~~\$1,000.00,~~ **\$1,500.00**, or both. In addition, the court may order the
18 ~~person's~~ **INDIVIDUAL'S** license revoked if the ~~person~~ **INDIVIDUAL** is
19 licensed to hunt, fish, or trap in this state, and may order the
20 ~~person~~ **INDIVIDUAL** not to seek or possess a license for not more
21 than 3 succeeding calendar years.

22 (4) The court may order a ~~person~~ **AN INDIVIDUAL** convicted of
23 violating this part to pay the costs of prosecution.

24 (5) The following may be seized and forfeited in the same
25 manner as provided in chapter 47 of the revised judicature act of
26 1961, 1961 PA 236, MCL 600.4701 to 600.4709:

27 (a) A protected animal, a fur-bearing animal, game, or fish

1 taken while committing any violation of this part.

2 (b) Property in the possession of the defendant while
3 committing a second or subsequent violation of this part occurring
4 within 3 years of a previous violation of this part. This
5 subdivision does not apply to either of the following:

6 (i) Electronic hunting-dog-retrieval equipment.

7 (ii) A living or dead animal of any kind not described in
8 subdivision (a).

9 (6) The court shall order ~~a person~~ **AN INDIVIDUAL** convicted of
10 violating this part to make restitution for any damage arising out
11 of the violation, including, but not limited to, reimbursing this
12 state for the value of any protected animal, fur-bearing animal,
13 game, or fish taken while violating this part as provided in
14 section 40119. However, the value of fish shall be determined as
15 provided in section 48740.

16 Enacting section 1. This amendatory act does not take effect
17 unless Senate Bill No. 1340

18 of the 96th Legislature is enacted into law.