

HOUSE BILL No. 6354

September 25, 2018, Introduced by Rep. Cole and referred to the Committee on Judiciary.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 73110 (MCL 324.73110), as amended by 2013 PA
176.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 73110. (1) Except as provided in subsection (2) or (3),
2 an individual who violates this part is guilty of a misdemeanor
3 punishable by imprisonment for not more than 90 days or a fine of
4 not less than ~~\$100.00~~ **\$200.00** or more than ~~\$500.00~~, **\$1,000.00**, or
5 both.

6 (2) An individual who kills any protected animal, game, or
7 fish while violating 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 ~~\$250.00~~ **\$500.00** or more than ~~\$750.00~~, **\$1,500.00**, or

1 both.

2 ~~—— (3) An individual convicted of a second or subsequent~~
3 ~~violation of this part occurring within 3 years of a previous~~
4 ~~violation of this part shall be punished by imprisonment for not~~
5 ~~more than 90 days or a fine of not less than \$250.00 or more than~~
6 ~~\$1,000.00, or both. In addition, the court shall order the~~
7 ~~individual's license revoked if the individual is licensed to hunt,~~
8 ~~fish, or trap in this state, and shall order the individual not to~~
9 ~~seek or possess a license for the remainder of the calendar year in~~
10 ~~which the individual is convicted and during at least 1 succeeding~~
11 ~~calendar year. This subsection does not apply after September 30,~~
12 ~~2001.~~

13 (3) ~~(4) This subsection applies beginning October 1, 2001. An~~
14 ~~individual convicted of a second or subsequent violation of this~~
15 ~~part occurring within 3 years of a previous violation of this part~~
16 ~~shall be punished~~ **IS GUILTY OF A MISDEMEANOR PUNISHABLE** ~~by~~
17 ~~imprisonment for not more than 90 days or a fine of not less than~~
18 ~~\$500.00~~ **\$1,000.00** ~~or more than \$1,500.00, \$3,000.00, or both. In~~
19 ~~addition, the court may order the individual's license revoked if~~
20 ~~the individual is licensed to hunt, fish, or trap in this state,~~
21 ~~and may order the individual not to seek or possess a license for~~
22 ~~not more than 3 succeeding calendar years.~~

23 (4) ~~(5) The~~ **A** court may order an individual convicted of
24 violating this part to pay the costs of prosecution.

25 (5) ~~(6) The~~ following may be seized and forfeited in the same
26 manner as provided in chapter 47 of the revised judicature act of
27 1961, 1961 PA 236, MCL 600.4701 to ~~600.4709~~: **600.4710:**

1 (a) A protected animal, a fur-bearing animal, game, or fish
2 taken while committing any violation of this part.

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

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

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

10 **(6)** ~~(7) The~~ **A** court shall order an individual convicted of
11 violating this part to make restitution for any damage arising out
12 of the violation, including, but not limited to, reimbursing this
13 state for the value of any protected animal, fur-bearing animal,
14 game, or fish taken while violating this part as provided in
15 section 40119. However, the value of fish shall ~~shall~~ **MUST** be determined
16 as provided in section 48740.