



Senate Fiscal Agency
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House Bill 4735 (as passed by the House)
House Bill 4736 (as passed by the House)
House Bill 4737 (as passed by the House)
Sponsor: Representative Scott VanSingel (H.B. 4735)
Representative John Cherry (H.B. 4736)
Representative Leslie Love (H.B. 4737)
House Committee: Natural Resources and Outdoor Recreation
Judiciary
Senate Committee: Natural Resources

Date Completed: 9-1-20

CONTENT

House Bill 4735 would amend Part 401 (Wildlife Conservation) of the Natural Resources and Environmental Protection Act (NREPA) to prescribe penalties for an individual who indicated that he or she would not use FOIA game information to take game and subsequently took game with that information.

House Bill 4736 would amend the Freedom of Information Act (FOIA) to allow the FOIA coordinator for the Department of Natural Resources (DNR) to grant FOIA requests on the condition that the requesting person sign a form indicating that the person would not use the information of game location to take game.

House Bill 4737 would amend the sentencing guidelines within the Code of Criminal Procedure to modify a Michigan Compiled Laws reference that would be altered under House Bill 4735.

House Bill 4735 and House Bill 4736 are tie-barred. House Bill 4737 is tie-barred to House Bill 4735.

House Bills 4735 and 4736 are described in further detail below.

House Bill 4735

Under the Act, an individual who violates a provision of Part 401, or an order or interim order issued under that Part regarding the possession or taking of certain species, is guilty of a misdemeanor punishable by imprisonment, a fine, or both, and the cost of prosecution; the length of the term of imprisonment and the magnitude of the fine depend on the species taken.

Under the bill, an individual who signed a FOIA form indicating that he or she would not use FOIA information of game location to take game and subsequently used that information to take game would be guilty of misdemeanor. The bill would apply current penalties to this violation in relation to species possessed or taken, as follows:

- For any game species, except deer, bear, wild turkey, wolf, waterfowl, moose, or elk: a misdemeanor punishable by up to 90 days' imprisonment, a fine ranging from \$100 to \$1,000, or both, and the cost of prosecution.

- For deer, bear, wild turkey, or wolf: a misdemeanor punishable by imprisonment for at least five, but not more than 90, and a fine of between \$200 and \$1,000, and the costs of prosecution.
- For elk: a misdemeanor punishable by imprisonment for at least 30, but not more than 180, days, or a fine between \$500 and \$2,000, or both, and the cost of prosecution.
- For moose: a misdemeanor punishable by imprisonment for at least 90 days but not more than one year and a fine between \$1,000 and \$5,000, and the costs of prosecution.

House Bill 4736

Under the Act, a person desiring to inspect or receive a copy of a public record must make a written request for the record to the FOIA coordinator of a public body. Unless otherwise agreed to in writing by the person making the request, a public body must respond to a request for a public record within five business days after it receives the request by doing one of the following:

- Granting the request.
- Issuing a written notice to the requesting person denying the request.
- Granting the request in part and issuing a written notice to the requesting person denying the request in part.
- Issuing a notice extending for no more than 10 business days the period during which the public body must respond to the request.

Under the bill, if the request were made to the FOIA coordinator for the DNR for records relating to the specific location of game obtained by the DNR during any restoration, management, or research project conducted under Section 40501, or the expenditure of money under Section 43553, the DNR could respond as described above, or it could grant the request on the condition that the requesting person sign a form indicating that he or she would not use the information of game location to take game or assist others in doing so.

MCL 324.40118 et al. (H.B. 4735)
15.235 (H.B. 4736)
777.13e (H.B. 4737)

Legislative Analyst: Dana Adams

FISCAL IMPACT

House Bill 4735

The bill could have a negative fiscal impact on the State and local government. New misdemeanor arrests and convictions under the bill could increase resource demands on law enforcement, court systems, community supervision, and jails. However, it is unknown how many people would be prosecuted under the bill's provisions. Any additional revenue from imposed fines would go to local libraries.

House Bill 4736 & House Bill 4737

The bills would have no fiscal impact on State or local government.

Fiscal Analyst: Joe Carrasco
Josh Sefton

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.