

Legislative Analysis



CHANGE FAILURE TO REPORT DEER HARVEST FROM MISDEMEANOR TO CIVIL INFRACTION

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Senate Bill 52 as reported from House committee

Sponsor: Sen. John Cherry

**House Committee: Natural Resources, Environment,
Tourism, and Outdoor Recreation**

**Senate Committee: Natural Resources and Agriculture
Complete to 6-27-23**

Analysis available at
<http://www.legislature.mi.gov>

(Enacted as Public Act 52 of 2023)

SUMMARY:

Senate Bill 52 would amend the Natural Resources and Environmental Protection Act to make failing to report a deer harvest or failing to retain a deer harvest confirmation number a state civil infraction for which a person could be assessed a civil fine of up to \$150.

Hunters taking a deer are required to report that kill within 72 hours or before transferring possession of that deer to another individual, whichever time frame is shorter. A hunter can designate someone else to make this report. The reporting person is required to retain the confirmation number.

Currently, failure to report a harvest or failure to retain a harvest confirmation number is a misdemeanor punishable by imprisonment for up to 90 days or a fine of \$50 to \$500, or both, and the costs of prosecution.

MCL 324.40118

FISCAL IMPACT:

In changing the penalty for failing to report a deer harvest or to retain a deer harvest confirmation number from a misdemeanor to a civil infraction, Senate Bill 52 would have an impact on costs to the state and to local county jails.

Costs to local county jails would be reduced. Costs of incarceration in local county jails varies by jurisdiction, so the exact amount of savings to local units cannot be determined.

Revenue from civil fines and misdemeanor penal fines is dedicated to public and county law libraries. There would be an impact on revenue going to public and county law libraries only if revenue collected from civil fines is greater than the amount of revenue that was collected when the offenses were considered misdemeanors.

There would be an increase in state revenue because, under section 8827(4) of the Revised Judicature Act, \$10 of the civil fine is required to be deposited into the state's Justice System Fund. Justice System Fund revenue supports various justice-related endeavors in the judicial branch; the Departments of State Police, Corrections, Health and Human Services, and Treasury; and the Legislative Retirement System.

The fiscal impact on local court systems would depend on how provisions of the bill affect court caseloads and related administrative costs.

Because there is no practical way to determine the number of violations that will occur under provisions of the bill, an estimate of the amount of additional revenue the state would collect, revenue for libraries, or costs to local courts cannot be made.

The bill is unlikely to affect costs or revenues for the Department of Natural Resources.

POSITIONS:

Representatives of the following entities testified in support of the bill (5-25-23):

- Department of Natural Resources
- Michigan United Conservation Clubs

The National Deer Association indicated support for the bill. (5-25-23)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.