

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

***** 324.82129b.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 24, 2021 *****

324.82129b.amended Violation of MCL 324.82127(7)(a) or (b); sanctions; community service.

Sec. 82129b. (1) A person who violates section 82127(7)(a) is guilty of a crime punishable as follows:

(a) Except as provided in subdivision (b), a person who violates section 82127(7)(a) is guilty of a misdemeanor and shall be sentenced to pay a fine of not less than \$200.00 or more than \$1,000.00 and to 1 or more of the following:

(i) Imprisonment for not less than 5 days or more than 1 year. Not less than 48 hours of this term of imprisonment shall be served consecutively. This term of imprisonment shall not be suspended unless the defendant agrees to participate in a specialty court program and successfully completes the program.

(ii) Community service for not less than 30 days or more than 90 days.

(b) If the violation occurs within 7 years of a prior conviction or after 2 or more prior convictions, regardless of the number of years that have elapsed since any prior conviction, a person who violates section 82127(7)(a) is guilty of a felony and shall be sentenced to pay a fine of not less than \$500.00 or more than \$5,000.00 and to either of the following:

(i) Imprisonment under the jurisdiction of the department of corrections for not less than 1 year or more than 5 years.

(ii) Probation with imprisonment in the county jail for not less than 30 days or more than 1 year and community service for not less than 60 days or more than 180 days. Not less than 48 hours of this term of imprisonment shall be served consecutively. This term of imprisonment shall not be suspended unless the defendant agrees to participate in a specialty court program and successfully completes the program.

(2) A person who violates section 82127(7)(b) is guilty of a misdemeanor punishable as follows:

(a) Except as provided in subdivision (b), a person who violates section 82127(7)(b) may be sentenced to 1 or more of the following:

(i) Community service for not more than 60 days.

(ii) A fine of not more than \$500.00.

(iii) Imprisonment for not more than 93 days.

(b) If the violation occurs within 7 years of a prior conviction or after 2 or more prior convictions, regardless of the number of years that have elapsed since any prior conviction, a person who violates section 82127(7)(b) shall be sentenced to pay a fine of not less than \$200.00 or more than \$1,000.00 and to 1 or more of the following:

(i) Imprisonment for not less than 5 days or more than 1 year. This term of imprisonment shall not be suspended unless the defendant agrees to participate in a specialty court program and successfully completes the program.

(ii) Community service for not less than 30 days or more than 90 days.

(3) In addition to imposing the sanctions prescribed under this section, the court may order the person to pay the costs of the prosecution under chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1 to 769.36.

(4) A person sentenced to perform community service under this section shall not receive compensation and shall reimburse the state or appropriate local unit of government for the cost of supervision incurred by the state or local unit of government as a result of the person's activities in that service.

History: Add. 2014, Act 404, Eff. Mar. 31, 2015;—Am. 2020, Act 385, Eff. Mar. 24, 2021.

Popular name: Act 451

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