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BILL ANALYSIS

Senate Fiscal Agency

Lansing, Michigan 48909

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MICHIGAN STATE LAW LIBRARY

Senate Bill 1021 (as passed by the Senate)

Sponsor: Senator James A. Barcia

Committee: Natural Resources and Environmental Affairs

Date Completed: 10-18-90

RATIONALE

Reportedly, hunters are concerned that certain radical groups, in the name of animal rights, may launch organized attempts to interfere with hunters' legal right to take game. Although no incidents of hunter harassment have been documented in Michigan, some other states reportedly have experienced confrontations between hunters and animal rights activists. In order to ensure that Michigan's hunters have unimpeded access to hunting areas and the wildlife in those areas, some feel that techniques of hunter harassment and impairment should be statutorily prohibited.

- Interjected himself or herself into a legal hunter's line of fire.
- Affected the placement or condition of property intended for use in the lawful taking of animals, in order to impair the usefulness of the property or prevent its use.
- Entered or remained on private land without permission, with the intent to violate the bill's prohibition.

An aggrieved person or one who reasonably could be aggrieved by a violation of the bill could petition a court of competent jurisdiction to enjoin that conduct. The court could do so upon a showing that a person was engaged in illegal conduct under the bill and threatened to continue.

A violation of the bill would be a misdemeanor, punishable by up to 90 days' imprisonment, a fine of \$500 to \$1,000, or both, and the costs of prosecution. Any permit or license issued to a violator by the Department of Natural Resources that authorized the person to take animals would have to be revoked.

The bill would take effect on November 15, 1990, and would not apply to a peace officer acting in the course of his or her lawful duties.

MCL 300.262

FISCAL IMPACT

According to the Department of Natural Resources, the bill would have no fiscal impact on State government. However, some increased revenue from fines or increased costs due to

CONTENT

The bill would amend the Wildlife Conservation Act to prohibit the obstruction of or interference with the lawful taking of animals with the intent to prevent such taking. A person would be in violation of the prohibition if he or she knowingly or intentionally did any of the following:

- Drove or disturbed animals in order to disrupt a lawful taking.
- Blocked, impeded, or harassed someone engaged in a lawful taking.
- Used a natural or artificial aural, visual, physical, gustatory, or olfactory stimulus to affect the behavior of animals in order to prevent or hinder the lawful taking of an animal.
- Built barriers to deny egress from or ingress to legal hunting areas. (This provision would not prohibit land owners from building barriers to prevent trespassing, however.)

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imprisonment could be anticipated.

ARGUMENTS

Supporting Argument

Hunting has long been a popular outdoor activity in Michigan, and the right of people to engage in that activity should be protected by law. While there have been no reports of hunter harassment in Michigan, organized efforts to impede hunters in pursuing game apparently have been undertaken in other states. The bill is a positive step toward precluding such interference and protecting the rights of law-abiding hunters in this State.

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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.