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BILL ANALYSIS

Senate Fiscal Agency

Lansing, Michigan 48909

(517) 373-5383

Senate Bill 1021

Sponsor: Senator James A. Barcia

Committee: Natural Resources and Environmental Affairs

Date Completed: 9-17-90

RECEIVED**OCT 24 1990**SUMMARY OF SENATE BILL 1021 as introduced 6-28-90:

Mich. State Law Library

The bill would amend the Wildlife Conservation Act to prohibit a person from obstructing or interfering with the lawful taking of animals by another person with the intent to prevent that lawful 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 another person engaged in the lawful taking of an animal.
- Blocked, impeded, or harassed someone engaged in the lawful taking of an animal.
- Used a natural or artificial aural, visual, physical, or olfactory stimulus to affect the behavior of animals in order to prevent or hinder the lawful taking of an animal.
- Built barriers with the intention of denying egress from or ingress to areas in which the lawful taking of animals could occur.
- Interjected himself or herself into a legal hunter's line of fire.
- Affected the placement or condition of personal or public property that was intended for use in the lawful taking of animals, in order to prevent the use of the property or impair its usefulness.
- Entered or remained on private land without permission, with the intent to violate the bill's prohibition.

Any person authorized to enforce the Act could arrest a person who disobeyed "a reasonable official request or order to disperse and cease conduct" that violated the bill. 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 pursuant to the Administrative Procedures Act.

MCL 300.262

Legislative Analyst: P. Affholter

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 imprisonment could be anticipated.

Fiscal Analyst: G. Cutler

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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.