

HOUSE BILL No. 4449

March 15, 1989, Introduced by Reps. Pridnia, Bartnik, Alley, Middaugh, Stacey, Crandall, Hoffman, Joe Young, Jr., Sofio, Profit, Hart, Hoekman, Nye, Griffin and DeMars and referred to the Committee on Tourism, Fisheries and Wildlife.

A bill to amend sections 12 and 13 of chapter V of Act No. 165 of the Public Acts of 1929, entitled as amended "Michigan sports fishing law," as amended by Act No. 43 of the Public Acts of 1986, being sections 305.12 and 305.13 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 12 and 13 of chapter V of Act No. 165
2 of the Public Acts of 1929, as amended by Act No. 43 of the
3 Public Acts of 1986, being sections 305.12 and 305.13 of the
4 Michigan Compiled Laws, are amended to read as follows:

5 CHAPTER V

6 Sec. 12. (1) A person who violates this act or rules, com-
7 mission orders, or orders of the director issued to implement
8 this act, if a penalty is not provided for that violation in this
9 section, ~~shall be~~ IS guilty of a misdemeanor, punishable by

1 imprisonment for not more than 90 days, or a fine of not more
2 than \$500.00, or both.

3 (2) A person convicted of using dynamite, nitroglycerin,
4 lime, electricity, any other explosive substance, or poison for
5 the purpose of taking or killing fish, or a person convicted of
6 using nets not authorized by law for taking game fish, or buying
7 or selling game fish or any parts ~~thereof shall be~~ OF GAME FISH
8 IS guilty of a misdemeanor punishable by imprisonment for not
9 more than 90 days, or a fine of not less than \$250.00 ~~nor~~ OR
10 more than \$1,000.00, or both.

11 (3) A PERSON WHO TAKES OR POSSESSES STURGEON IN VIOLATION OF
12 THIS ACT OR RULES, COMMISSION ORDERS, OR ORDERS OF THE DIRECTOR
13 ISSUED TO IMPLEMENT THIS ACT IS GUILTY OF A MISDEMEANOR PUNISH-
14 ABLE BY IMPRISONMENT FOR NOT LESS THAN 30 DAYS OR MORE THAN 180
15 DAYS, OR A FINE OF NOT LESS THAN \$500.00 OR MORE THAN \$200.00, OR
16 BOTH, AND THE COSTS OF PROSECUTION.

17 (4) ~~(3)~~ If a person is convicted of a violation of this
18 act or rules, commission orders, or orders of the director issued
19 to implement this act and it is alleged in the complaint and
20 proved or admitted at trial or ascertained by the court at the
21 time of sentencing that the person had been previously convicted
22 3 or more times of a violation of this act within the 5 years
23 immediately preceding the last violation of this act, the person
24 ~~shall be~~ IS guilty of a misdemeanor, punishable by imprisonment
25 for not more than 90 days, or a fine of not more than \$1,000.00,
26 or both, and ~~shall be required to pay~~ the costs of

1 prosecution. This subsection shall not apply to the following
2 violations:

3 (a) Failing to possess or display a valid fishing license or
4 trout and salmon stamp issued pursuant to the hunting and fishing
5 license act, Act No. 86 of the Public Acts of 1980, being sec-
6 tions 316.101 to 316.902 of the Michigan Compiled Laws.

7 (b) Taking or possessing an overlimit of bluegill, sunfish,
8 crappie, perch, ~~and~~ OR nongame fish.

9 (c) Taking or possessing not more than 5 undersized fish.

10 (d) Fishing with too many lines.

11 (e) Failing to attach name and address to tip-ups or minnow
12 traps.

13 (f) Fishing with lines not under immediate control.

14 (5) ~~(4)~~ In addition to the penalties provided in this sec-
15 tion, a fishing license issued to a person sentenced pursuant to
16 subsections (2), ~~and~~ (3), OR (4) shall be revoked and the
17 person shall not be issued a license during the remainder of the
18 year in which convicted ~~nor~~ OR during the next 3 succeeding
19 license years.

20 Sec. 13. (1) In addition to the penalties provided in this
21 act, ~~for violating the provisions thereof, any~~ A person con-
22 victed of taking game fish during ~~any~~ A closed season, or
23 taking or possessing ~~such~~ GAME fish in excess of lawful limits,
24 or buying or selling, or taking ~~such~~ GAME fish, nongame fish,
25 or any parts ~~thereof~~ OF GAME OR NONGAME FISH, by use of ~~any~~
26 AN unlawful device shall forfeit to the state for the fish ~~so~~

1 UNLAWFULLY taken or possessed ~~in violation of this act~~ as
2 follows:

3 (a) For each game fish OTHER THAN STURGEON, of an individual
4 weight of 1 pound or more, \$10.00 for each pound or fraction of a
5 pound of fish illegally taken or possessed.

6 (b) For each game fish, of an individual weight of less than
7 1 pound, \$10.00 for each fish illegally taken or possessed.

8 (C) FOR STURGEON, \$1,500.00 FOR EACH FISH ILLEGALLY TAKEN OR
9 POSSESSED.

10 (D) ~~(c)~~ For each nongame fish, \$5.00 for each pound or
11 fraction of a pound of fish illegally taken or possessed.

12 (2) In every case of conviction for a violation of subsec-
13 tion (1), the court before whom such conviction is obtained shall
14 order the defendant to forfeit to the state the sums provided in
15 subsection (1). If 2 or more defendants are convicted of the
16 illegal taking or the illegal possession of the same fish, the
17 forfeiture shall be declared against them jointly and severally.

18 (3) If a defendant fails to pay the sums forfeited for a
19 violation of subsection (1), upon conviction, the court shall
20 either impose a sentence of probation and as a condition of sen-
21 tence, require the defendant to satisfy the forfeiture in the
22 amount prescribed and fix the manner and time of payment, or make
23 a written order permitting the defendant to pay the forfeited
24 sums in installments at ~~such~~ THE times and in ~~such~~ THE
25 amounts as ~~, in the opinion of~~ the court DETERMINES, the
26 defendant is able to pay.

1 (4) A default in the payment of forfeiture or ~~any~~ AN
2 installment of the forfeiture may be collected by any means
3 authorized for the enforcement of a judgment under chapter 60 of
4 the revised judicature act of 1961, Act No. 236 of the Public
5 Acts of 1961, as amended, being sections 600.6001 to 600.6097 of
6 the Michigan Compiled Laws.

7 (5) All courts collecting forfeitures as provided in this
8 section shall promptly remit the forfeiture to the county trea-
9 surer, who shall transmit it to the state treasurer to be cred-
10 ited to the game and fish protection fund.