

SENATE BILL No. 158

February 16, 1989, Introduced by Senators BARCIA, WELBORN and CROPSEY and referred to the Committee on Judiciary.

A bill to amend sections 5 and 9 of Act No. 323 of the Public Acts of 1976, entitled "Recreational trespass act," being sections 317.175 and 317.179 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 5 and 9 of Act No. 323 of the Public
2 Acts of 1976, being sections 317.175 and 317.179 of the Michigan
3 Compiled Laws, are amended to read as follows:

4 Sec. 5. (1) A prosecution under this act shall be in the
5 name of the people of the state, and shall be brought before a
6 district court of competent jurisdiction in the county in which
7 the offense was committed, and within 1 year from the time the
8 offense charged was committed.

1 (2) In a proceeding for a violation of this act, the
2 presence of a person on the enclosed, fenced, or conspicuously
3 posted premises of another, or upon any farm lands or farm wood
4 lots connected therewith without written consent of the owner,
5 his OR HER lessee, or agent shall constitute prima facie evidence
6 of unlawful entry.

7 (3) A peace officer or conservation officer may SEIZE PROP-
8 ERTY AND OTHERWISE enforce this act ~~upon complaint of the land~~
9 ~~owner, his lessee or agent~~ AS PROVIDED IN THIS ACT.

10 Sec. 9. (1) A person who violates this act is guilty of a
11 misdemeanor AND SHALL BE PUNISHED BY IMPRISONMENT FOR NOT MORE
12 THAN 30 DAYS, A FINE OF NOT LESS THAN \$50.00 OR MORE THAN
13 \$500.00, OR BOTH, AND THE COSTS OF PROSECUTION.

14 (2) A PERSON CONVICTED OF 2 OR MORE VIOLATIONS OF THIS ACT
15 SHALL BE PUNISHED BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS, A
16 FINE OF NOT LESS THAN \$100.00 OR MORE THAN \$1,000.00, OR BOTH,
17 AND THE COSTS OF PROSECUTION.

18 (3) IN ADDITION TO THE PENALTIES PROVIDED UNDER SUBSECTIONS
19 (1) AND (2), THE COURT MAY DO EITHER OF THE FOLLOWING:

20 (A) FOR A PERSON WHO VIOLATES THIS ACT WHILE HUNTING OR
21 FISHING, REVOKE THE PERSON'S HUNTING OR FISHING LICENSE FOR THE
22 REMAINDER OF THE CALENDAR YEAR AND ORDER THE PERSON NOT TO SEEK
23 OR POSSESS A HUNTING OR FISHING LICENSE OF ANY KIND FOR NOT MORE
24 THAN 5 SUCCEEDING CALENDAR YEARS.

25 (B) CONFISCATE FROM A PERSON CONVICTED OF VIOLATING THIS ACT
26 ANY PERSONAL PROPERTY BROUGHT ONTO THE LAND AT THE TIME OF THE
27 VIOLATION, INCLUDING, BUT NOT LIMITED TO, FIREARMS, HUNTING

1 EQUIPMENT, FISHING EQUIPMENT, SNOWMOBILES, OFF-ROAD VEHICLES,
2 TRUCKS, AUTOMOBILES, OR MOTORCYCLES. CONDEMNATION AND CONFISCA-
3 TION OF PROPERTY SHALL BE ACCOMPLISHED AS PROVIDED IN ACT NO. 192
4 OF THE PUBLIC ACTS OF 1929, BEING SECTIONS 300.11 TO 300.18 OF
5 THE MICHIGAN COMPILED LAWS.