



Senate Fiscal Agency

Lansing, Michigan 48909

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House Bill 4356 (as reported with amendment)

Sponsor: Representative Ed Giese

House Committee: Tourism and Recreation

Senate Committee: Natural Resources and Environmental Affairs

Date Completed: 5-21-87

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RATIONALE

During the hunting seasons, and especially during deer hunting season, many poachers use artificial lights to locate wild animals at night. This practice is called shining. Recreationalists also enjoy shining wild animals in order to view them in their natural habitat. Presently shining is allowed until 11 p.m. and after 6 a.m. When struck by the light, the eyes of the animals grow. The animals, particularly deer, are temporarily blinded and thus become easy targets for poachers. Often conservation officers cannot distinguish which artificial lights are used by poachers and which are used for recreational purposes. Further, with so many lights in the woods during the hunting seasons of late fall, when poachers shoot the animals they shine at, it is difficult for conservation officers to locate the offenders because of the many lights in the area. Some have suggested that outlawing all shining during November when poaching is most prevalent would make enforcement less difficult for conservation officers.

CONTENT

The bill would amend the provision of the Game Law that makes it illegal, with certain exceptions, to "Throw, cast, or cause to be thrown or cast the rays of a spotlight, headlight, or other artificial light between the hours of 11 p.m. and 6 a.m. for the purpose of locating wild animals or wild birds". Under the bill, that prohibition would be in effect only from December 1 to October 31, but would be in effect for all hours of the day from November 1 to November 30 of each year.

The bill also would make an exception to the provision that allows the use of lights by hunters during "the period of one hour after the closing time for hunting, if the weapon is securely locked in the trunk or otherwise inaccessible to the occupants from the interior of the vehicle". Under the bill, that provision would not apply during November.

MCL 312.10

SENATE COMMITTEE ACTION

The Senate committee adopted an amendment to prohibit the use of lights by hunters during one hour after the closing time for hunting during November.

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

ARGUMENTS

Supporting Argument

In Michigan, a lot of poaching takes place during the month of November. Generally, this happens because it is deer hunting season and there are many poachers and hunters in the woods in addition to people who simply want to view wildlife. This situation is difficult for conservation officers; they must deal with an increased number of people in the woods as well as many more lights, which makes it harder for them to distinguish between people engaged in recreational shining and poachers. Under the bill, conservation officers would have an easier time sorting poachers from recreational shiners because the bill would remove the recreational shiner from the woods during the month of November.

In addition, the bill would help discourage "casual poachers": hunters who start out as recreational shiners interested only in locating deer, but end up poaching. When hunters see a deer with a huge rack they may be tempted to go back to their vehicle, grab their gun and shoot the deer on sight, instead of waiting until sunrise. The bill would discourage this because just using artificial lights would be a violation of the law. Without lights to see the large racked deer the hunters would be less tempted to become casual poachers.

Supporting Argument

During the hunting season farmers often complain to conservation officers about poachers who shine wild animals, in particular deer, in their fields and then ruin the fields while trying to retrieve the animals they have shot. The bill would make it easier for farmers to identify poachers and others illegally using artificial lights, allowing the farmers to notify officials more quickly about illegal shining. Further, if poachers were caught more quickly, farmers could avoid costly damage to their property.

The bill also could help reduce the problem of trespassers who shine their artificial lights in farmhouses and other rural homes. Besides scaring the inhabitants of the homes, the shiners also may be endangering themselves because homeowners often mistake the shiners for burglars or other lawbreakers.

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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.

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