

Act No. 175
Public Acts of 2013
Approved by the Governor
November 26, 2013
Filed with the Secretary of State
November 26, 2013
EFFECTIVE DATE: February 25, 2014

**STATE OF MICHIGAN
97TH LEGISLATURE
REGULAR SESSION OF 2013**

Introduced by Senators Pavlov, Jones, Proos, Walker, Casperson and Booher

ENROLLED SENATE BILL No. 171

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people's right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," by amending section 40119 (MCL 324.40119), as amended by 2004 PA 587.

The People of the State of Michigan enact:

Sec. 40119. (1) In addition to the penalties provided for violating this part or an order issued under this part, and the penalty provided in section 36507, an individual convicted of the illegal killing, possessing, purchasing, or selling of game or protected animals, in whole or in part, shall reimburse the state for the value of the game or protected animal as follows:

- (a) Bear, elk, hawk, moose, or any animal that appears on a list specified in section 36505, \$1,500.00 per animal.
- (b) Deer, owl, and wild turkey, \$1,000.00 per animal.
- (c) Other game not listed in subdivision (a) or (b), not less than \$100.00 or more than \$500.00 per animal.
- (d) Other protected animals, \$100.00 per animal.

(2) In addition to the restitution value established in subsection (1), an individual convicted of the illegal killing, possessing, purchasing, or selling of an antlered white-tailed deer also shall pay an additional restitution value that is equal to \$1,000.00 plus 1 of the following:

- (a) For an antlered white-tailed deer with at least 8 but not more than 10 points, \$500.00 for each point.
- (b) For an antlered white-tailed deer with 11 or more points, \$750.00 for each point.

(3) In addition to the penalties provided for violating this part or an order issued under this part, an individual convicted of the illegal killing, possessing, purchasing, or selling of an antlered white-tailed deer is subject to the following penalties:

(a) For a first offense, the individual shall not secure or possess a license of any kind to hunt for an additional 2 calendar years after the penalties imposed under section 40118(6).

(b) For a second or subsequent offense, the individual shall not secure or possess a license of any kind to hunt for an additional 7 calendar years after the penalties imposed under section 40118(6).

(4) The court in which a conviction for a violation described in subsection (1) or (2) is obtained shall order the defendant to forfeit to the state a sum as set forth in subsection (1) or (2). If 2 or more defendants are convicted of the

illegal killing, possessing, purchasing, or selling, in whole or in part, of game or protected animals listed in subsection (1) or (2), the forfeiture prescribed shall be declared against them jointly.

(5) If a defendant fails to pay upon conviction the sum ordered by the court to be forfeited, the court shall either impose a sentence and, as a condition of the sentence, require the defendant to satisfy the forfeiture in the amount prescribed and fix the manner and time of payment, or make a written order permitting the defendant to pay the sum to be forfeited in installments at those times and in those amounts that, in the opinion of the court, the defendant is able to pay.

(6) If a defendant defaults in payment of the sum forfeited or of an installment, the court on motion of the department or upon its own motion may require the defendant to show cause why the default should not be treated as a civil contempt, and the court may issue a summons or warrant of arrest for his or her appearance. Unless the defendant shows that the default was not due to an intentional refusal to obey the order of the court or to a failure to make a good faith effort to obtain the funds required for the payment, the court shall find that the default constitutes a civil contempt.

(7) If it appears that the defendant's default in the payment of the forfeiture does not constitute civil contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount of the forfeiture or of each installment, or revoking the forfeiture or the unpaid portion of the forfeiture, in whole or in part.

(8) A default in the payment of the forfeiture or an installment payment may be collected by any means authorized for the enforcement of a judgment under chapter 60 of the revised judicature act of 1961, 1961 PA 236, MCL 600.6001 to 600.6098.

(9) A court receiving forfeiture damages shall remit the damages to the county treasurer, who shall deposit the damages with the state treasurer, who shall deposit the damages in the game and fish protection account established in section 2010.

(10) As used in this section, "point" means a projection on the antler of a white-tailed deer that is at least 1 inch long as measured from its tip to the nearest edge of the antler beam.

Enacting section 1. This amendatory act takes effect upon the expiration of 90 days after the date it is enacted into law.

Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 172 of the 97th Legislature is enacted into law.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Jay E. Randall

Clerk of the House of Representatives

Approved

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Governor

Compiler's note: Senate Bill No. 172, referred to in enacting section 2, was filed with the Secretary of State November 26, 2013, and became 2013 PA 176, Eff. Feb. 25, 2014.