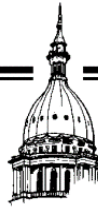




Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

## BILL ANALYSIS



Telephone: (517) 373-5383  
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Senate Bills 171 and 172 (as reported without amendment)  
Sponsor: Senator Phil Pavlov (S.B. 171)  
Senator Tom Casperson (S.B. 172)  
Committee: Outdoor Recreation and Tourism

**CONTENT**

Senate Bill 171 would amend Part 401 (Wildlife Conservation) of the Natural Resources and Environmental Protection Act to do the following:

- Require a person to pay restitution to the State for illegally killing, possessing, purchasing, or selling an antlered white-tailed deer with a gross score of more than 100 inches, based on antler measurements, in addition to the restitution that currently must be paid for illegally taken deer generally.
- Increase the hunting license prohibition period for a person convicted of illegally killing, possessing, purchasing, or selling wildlife, if the violation involved an antlered white-tailed deer with a gross score of more than 100 inches.

"Gross score" would mean the number derived by calculating the measurements of the antlers of a white-tailed deer. The bill describes procedures for taking the measurements, and states that the measurements could be taken at any time. The additional restitution value would equal  $[(\text{gross score}-100)^2 \times \$1.65]$ .

In addition to the restitution, the Act prescribes misdemeanor penalties for the illegal possession or taking of deer, bear, wild turkey, wolf, elk, moose, or a designated protected animal, or the illegal purchase or sale of game or a protected animal. A person sentenced for a violation may not obtain or possess a hunting license of any kind for the remainder of the year of the conviction and the next three years.

Under the bill, an individual convicted of illegally killing, possessing, purchasing, or selling an antlered white-tailed deer with a gross score of more than 100 inches could not secure or possess a hunting license of any kind for an additional two calendar years for a first offense, and an additional seven years for a second or subsequent offense, after the initial license prohibition period.

Senate Bill 172 would amend Part 731 (Recreational Trespass) of the Act to increase the amount of damages that a property owner may recover in an action against a recreational trespasser, and increase the fine that may be imposed on a person convicted of violating Part 731.

Currently, the owner of property on which a violation of Part 731 is committed may bring an action against the violator for \$250 or actual property damage, whichever is greater, and actual and reasonable attorney fees. The bill would increase the amount to the greater of \$750 or actual property damage, as well as attorney fees.

An individual who violates Part 731 is guilty of a misdemeanor punishable by imprisonment for up to 90 days and/or a fine of at least \$100 but not more than \$500. The bill would increase the minimum and maximum fine amounts to \$250 and \$750, respectively.

The penalty for a second or subsequent violation of Part 731 within three years of a previous violation is imprisonment for up to 90 days and/or a fine of at least \$100 but not more than \$1,000. The bill would increase the minimum fine to \$500 and the maximum fine to \$1,500.

The bills are tie-barred to each other.

MCL 324.40119 (S.B. 171)  
324.73109 & 324.73110 (S.B. 171)

Legislative Analyst: Suzanne Lowe

### **FISCAL IMPACT**

Senate Bill 171 would have a small, but likely positive effect on State finances, and no fiscal impact on local units of government. The bill would require individuals convicted of illegally taking, purchasing, possessing, or selling white-tailed deer to pay restitution calculated on the gross score of the deer, in addition to any other penalties prescribed by law. It is unknown how much revenue would be raised by the additional restitution, but the bill would require that revenue to be deposited in the Game and Fish Protection Fund.

Senate Bill 172 would increase criminal fines for violations of Part 731 as well as fines for second or subsequent violations (as described above). Revenue from these increased fines would benefit public libraries.

Date Completed: 3-12-13

Fiscal Analyst: Dan O'Connor  
Josh Sefton

#### Floor\sb171

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.