

SUBSTITUTE FOR
SENATE BILL NO. 926

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 40104 and 40112 (MCL 324.40104 and 324.40112),
section 40104 as added by 1995 PA 57 and section 40112 as amended
by 1996 PA 316.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 40104. (1) "Take" means to hunt with any weapon, dog,
2 raptor, or other wild or domestic animal trained for that purpose;
3 kill; chase; follow; harass; harm; pursue; shoot; rob; trap;
4 capture; or collect animals, or to attempt to engage in ~~such an~~
5 **THAT** activity.

6 (2) "Transport" means to carry or ship animals within this
7 state or to points outside this state.

8 (3) "Trap" means ~~taking or attempting to~~ **TAKE OR ATTEMPT** to

1 take animals by means of a trap or other device designed to kill or
2 capture animals.

3 (4) **"UNMANNED AERIAL VEHICLE" MEANS AN UNMANNED VEHICLE OR**
4 **DEVICE THAT USES AERODYNAMIC FORCES TO ACHIEVE FLIGHT.**

5 (5) ~~(4)~~—"Vehicle" means every device in, upon, or by which any
6 person or property is or may be transported, except devices
7 exclusively moved by human power.

8 Sec. 40112. (1) ~~A person~~**AN INDIVIDUAL** shall not obstruct or
9 interfere in the lawful taking of animals by another
10 ~~person~~**INDIVIDUAL.**

11 (2) ~~A person~~**AN INDIVIDUAL** violates this section when the
12 ~~person~~**INDIVIDUAL** intentionally or knowingly does any of the
13 following:

14 (a) Drives or disturbs animals for the purpose of disrupting a
15 lawful taking.

16 (b) Blocks, impedes, or harasses another ~~person~~**INDIVIDUAL** who
17 is engaged in the process of lawfully taking an animal.

18 (c) Uses a natural or artificial visual, aural, olfactory,
19 gustatory, or physical stimulus to affect animal behavior in order
20 to hinder or prevent the lawful taking of an animal.

21 (d) Erects barriers to deny ingress or egress to areas where
22 the lawful taking of animals may occur. This subdivision does not
23 apply to a ~~person~~**AN INDIVIDUAL** who erects barriers to prevent
24 trespassing on his or her property.

25 (e) Interjects himself or herself into the line of fire of a
26 ~~person~~**AN INDIVIDUAL** lawfully taking wildlife.

27 (f) Affects the condition or placement of personal or public

1 property intended for use in the lawful taking of an animal in
2 order to impair the usefulness of the property or prevent the use
3 of the property.

4 (g) Enters or remains upon private lands without the
5 permission of the owner or the owner's agent, for the purpose of
6 violating this section.

7 **(H) USES AN UNMANNED AERIAL VEHICLE TO INTERFERE WITH OR**
8 **HARASS ANOTHER INDIVIDUAL WHO IS ENGAGED IN THE PROCESS OF LAWFULLY**
9 **TAKING AN ANIMAL.**

10 **(I)** ~~(h)~~ Engages in any other act or behavior for the purpose
11 of violating this section.

12 (3) Upon petition of an aggrieved person or a ~~person~~ **AN**
13 **INDIVIDUAL** who reasonably may be aggrieved by a violation of this
14 section, a court of competent jurisdiction, upon a showing that a
15 ~~person~~ **AN INDIVIDUAL** was engaged in and threatens to continue to
16 engage in illegal conduct under this section, may enjoin that
17 conduct.

18 (4) A ~~person~~ **AN INDIVIDUAL** who violates this section is guilty
19 of a misdemeanor ~~;~~ punishable by imprisonment for not more than 93
20 days ~~;~~ or a fine of not less than \$500.00 or more than \$1,000.00,
21 or both, and the costs of prosecution. A ~~person~~ **AN INDIVIDUAL** who
22 violates this section a second or subsequent time is guilty of a
23 misdemeanor ~~;~~ punishable by imprisonment for not more than 1 year ~~;~~
24 or a fine of not less than \$1,000.00 or more than \$2,500.00, or
25 both, and the costs of prosecution. In addition to the penalties
26 provided for in this subsection, any permit or license issued by
27 the department authorizing the ~~person~~ **INDIVIDUAL** to take animals

1 shall be revoked. A prosecution under this section does not
2 preclude prosecution or other action under any other criminal or
3 civil statute.

4 (5) This section does not apply to a peace officer while the
5 peace officer performs his or her lawful duties.

6 Enacting section 1. This amendatory act does not take effect
7 unless Senate Bill No. 927 of the 97th Legislature is enacted into
8 law.