

**SUBSTITUTE FOR  
HOUSE BILL NO. 5146**

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 40118 (MCL 324.40118), as amended by 2015 PA  
188.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 40118. (1) An individual who violates this part, an order  
2 or interim order issued under this part, or a condition of a permit  
3 issued under this part, except for a violation specified in  
4 subsections (2) to ~~(17)~~, **(18)**, is guilty of a misdemeanor  
5 punishable by imprisonment for not more than 90 days, or a fine of  
6 not less than \$50.00 or more than \$500.00, or both, and the costs  
7 of prosecution. In addition, a permit issued by the department  
8 under this part shall be revoked pursuant to the administrative  
9 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

10           (2) An individual who violates a provision of this part or an

1 order or interim order issued under this part regarding the  
2 possession or taking of any game, except deer, bear, wild turkey,  
3 wolf, waterfowl, moose, or elk, is guilty of a misdemeanor  
4 punishable by imprisonment for not more than 90 days, or a fine of  
5 not less than \$100.00 or more than \$1,000.00, or both, and the  
6 costs of prosecution.

7 (3) Except as otherwise provided in this subsection, an  
8 individual who violates a provision of this part or an order or  
9 interim order issued under this part regarding the possession or  
10 taking of deer, bear, wild turkey, or wolf is guilty of a  
11 misdemeanor and shall be punished by imprisonment for not less than  
12 5 days or more than 90 days, and a fine of not less than \$200.00 or  
13 more than \$1,000.00, and the costs of prosecution. An individual  
14 shall not be punished under this subsection for lawfully removing,  
15 capturing, or destroying a wolf under 2008 PA 290, MCL 324.95151 to  
16 324.95155, or 2008 PA 318, MCL 324.95161 to 324.95167.

17 (4) An individual who violates a provision of this part or an  
18 order or interim order issued under this part regarding the  
19 possession or taking of elk is guilty of a misdemeanor punishable  
20 by imprisonment for not less than 30 days or more than 180 days, or  
21 a fine of not less than \$500.00 or more than \$2,000.00, or both,  
22 and the costs of prosecution.

23 (5) An individual who violates a provision of this part or an  
24 order or interim order issued under this part regarding the  
25 possession or taking of moose is guilty of a misdemeanor and shall  
26 be punished by imprisonment for not less than 90 days or more than  
27 1 year and a fine of not less than \$1,000.00 or more than

1 \$5,000.00, and the costs of prosecution.

2 (6) An individual who violates a provision of this part or an  
3 order or interim order issued under this part regarding the  
4 possession or taking of waterfowl is guilty of a misdemeanor  
5 punishable by imprisonment for not more than 90 days or a fine of  
6 not less than \$250.00 or more than \$500.00, or both, and the costs  
7 of prosecution. An individual who violates a provision of this part  
8 or an order or interim order issued under this part regarding the  
9 possession or taking of waterfowl a second or subsequent time is  
10 guilty of a misdemeanor punishable by imprisonment for not more  
11 than 90 days or a fine of \$500.00, or both, and the costs of  
12 prosecution.

13 (7) An individual sentenced under subsection (3), (14), or  
14 (15) shall not secure or possess a license of any kind to hunt  
15 during the remainder of the year in which convicted and the next 3  
16 succeeding calendar years. An individual sentenced under subsection  
17 (11) shall not secure or possess a license to hunt during the  
18 remainder of the year in which convicted and the next succeeding  
19 calendar year, or longer in the discretion of the court.

20 (8) In addition to the penalties provided for violating this  
21 part or an order issued under this part, an individual convicted of  
22 the illegal killing, possessing, purchasing, or selling of a bear  
23 or an antlered white-tailed deer is subject to the following  
24 penalties:

25 (a) For a first offense, the individual shall not secure or  
26 possess a license of any kind to hunt for an additional 2 calendar  
27 years after the penalties imposed under subsection (7).

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

5 (9) In addition to the penalties provided for violating this  
6 part or an order issued under this part, an individual convicted of  
7 the illegal killing, possessing, purchasing, or selling of a wild  
8 turkey shall not secure or possess a license of any kind to hunt  
9 for an additional 2 calendar years after the penalties imposed  
10 under subsection (7).

11 (10) An individual sentenced under subsection (4) or (5) is  
12 subject to the following penalties:

13 (a) For a first offense, the individual shall not secure or  
14 possess a license of any kind to hunt for the remainder of the year  
15 in which convicted and the next 15 succeeding calendar years.

16 (b) For a second offense, the individual shall not secure or  
17 possess a license of any kind to hunt for the remainder of that  
18 individual's life.

19 (11) An individual who violates section 40113(1) is guilty of  
20 a misdemeanor punishable by imprisonment for not less than 5 days  
21 or more than 90 days, or a fine of not less than \$100.00 or more  
22 than \$500.00, or both, and the costs of prosecution.

23 (12) An individual who violates section 40113(2) is guilty of  
24 a misdemeanor punishable by imprisonment for not more than 90 days,  
25 or a fine of not less than \$50.00 or more than \$500.00, or both,  
26 and the costs of prosecution.

27 (13) An individual who violates section 40113(3) is guilty of

1 a misdemeanor and shall be punished by imprisonment for not less  
2 than 5 days or more than 90 days and a fine of not less than  
3 \$100.00 or more than \$500.00, and the costs of prosecution.

4 (14) An individual who violates a provision of this part or an  
5 order or interim order issued under this part regarding the taking  
6 or possession of an animal that has been designated by the  
7 department to be a protected animal, other than an animal that  
8 appears on a list prepared pursuant to ~~UNDER~~ section 36505, is  
9 guilty of a misdemeanor punishable by imprisonment for not more  
10 than 90 days or a fine of not less than \$100.00 or more than  
11 \$1,000.00, or both, and the costs of prosecution.

12 (15) An individual who buys or sells game or a protected  
13 animal in violation of this part or an order or interim order  
14 issued under this part is guilty of a misdemeanor punishable by  
15 imprisonment for not more than 90 days or a fine of not more than  
16 \$1,000.00, or both, for the first offense, and is guilty of a  
17 felony for each subsequent offense.

18 (16) An individual who willfully violates a provision of this  
19 part or an order or interim order issued under this part by using  
20 an illegally constructed snare or cable restraint is guilty of a  
21 misdemeanor punishable by imprisonment for not more than 90 days,  
22 or a fine of \$1,000.00 for the first illegally constructed snare or  
23 cable restraint and \$250.00 for each subsequent illegally  
24 constructed snare or cable restraint, or both, and the costs of  
25 prosecution.

26 (17) **AN INDIVIDUAL WHO VIOLATES A PROVISION OF THIS PART OR AN**  
27 **ORDER OR INTERIM ORDER ISSUED UNDER THIS PART REGARDING THE**

1 IMPORTATION OF A CERVID CARCASS OR PARTS OF A CERVID CARCASS, OTHER  
2 THAN HIDES, DEBONED MEAT, ANTLERS, OR ANTLERS ATTACHED TO A  
3 SKULLCAP CLEANED OF BRAIN AND MUSCLE TISSUE, FROM ANOTHER STATE OR  
4 PROVINCE DETECTED TO HAVE CHRONIC WASTING DISEASE IS GUILTY OF A  
5 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR  
6 A FINE OF NOT LESS THAN \$500.00 OR MORE THAN \$2,000.00, OR BOTH,  
7 AND THE COSTS OF PROSECUTION.

8 (18) ~~(17)~~—If an individual is convicted of a violation of this  
9 part or an order or interim order issued under this part and it is  
10 alleged in the complaint and proved or admitted at trial or  
11 ascertained by the court after conviction that the individual had  
12 been previously convicted 2 times within the preceding 5 years for  
13 a violation of this part or an order or interim order issued under  
14 this part, the individual is guilty of a misdemeanor and shall be  
15 punished by imprisonment for not less than 10 days or more than 180  
16 days, and a fine of not less than \$500.00 or more than \$2,000.00,  
17 and costs of prosecution.

18 Enacting section 1. This amendatory act takes effect 90 days  
19 after the date it is enacted into law.