

HOUSE BILL No. 5146

December 10, 2015, Introduced by Rep. Kivela and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40118 (MCL 324.40118), as amended by 2012 PA 520.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 40118. (1) ~~A person~~**AN INDIVIDUAL** who violates this part,
2 an order or interim order issued under this part, or a condition of
3 a permit issued under this part, except for a violation specified
4 in subsections (2) to ~~(12)~~, **(13)**, 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

1 under this part shall be revoked pursuant to the administrative
2 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

3 (2) ~~A person~~**AN INDIVIDUAL** who violates a provision of this
4 part or an order or interim order issued under this part regarding
5 the possession or taking of any game, except deer, bear, wild
6 turkey, wolf, moose, or elk, is guilty of a misdemeanor punishable
7 by imprisonment for not more than 90 days, or a fine of not less
8 than \$100.00 or more than \$1,000.00, or both, and the costs of
9 prosecution.

10 (3) Except as otherwise provided in this subsection, ~~a person~~
11 **AN INDIVIDUAL** who violates a provision of this part or an order or
12 interim order issued under this part regarding the possession or
13 taking of deer, bear, wild turkey, or wolf is guilty of a
14 misdemeanor and shall be punished by imprisonment for not less than
15 5 days or more than 90 days, and a fine of not less than \$200.00 or
16 more than \$1,000.00, and the costs of prosecution. ~~A person~~**AN**
17 **INDIVIDUAL** shall not be punished under this subsection for lawfully
18 removing, capturing, or destroying a wolf under 2008 PA 290, MCL
19 324.95151 to 324.95155, or 2008 PA 318, MCL 324.95161 to 324.95167.

20 (4) ~~A person~~**AN INDIVIDUAL** who violates a provision of this
21 part or an order or interim order issued under this part regarding
22 the possession or taking of elk is guilty of a misdemeanor
23 punishable by imprisonment for not less than 30 days or more than
24 180 days, or a fine of not less than \$500.00 or more than
25 \$2,000.00, or both, and the costs of prosecution.

26 (5) ~~A person~~**AN INDIVIDUAL** who violates a provision of this
27 part or an order or interim order issued under this part regarding

1 the possession or taking of moose is guilty of a misdemeanor and
2 shall be punished by imprisonment for not less than 90 days or more
3 than 1 year and a fine of not less than \$1,000.00 or more than
4 \$5,000.00, and the costs of prosecution.

5 (6) ~~A person~~**AN INDIVIDUAL** sentenced pursuant to ~~UNDER~~
6 subsection (3), (4), (5), (10), or (11) shall not secure or possess
7 a license of any kind to hunt during the remainder of the year in
8 which convicted and the next 3 succeeding calendar years. ~~A person~~
9 **AN INDIVIDUAL** sentenced pursuant to ~~UNDER~~ subsection (7) shall not
10 secure or possess a license to hunt during the remainder of the
11 year in which convicted and the next succeeding calendar year.

12 (7) ~~A person~~**AN INDIVIDUAL** who violates section 40113(1) is
13 guilty of a misdemeanor punishable by imprisonment for not less
14 than 5 days or more than 90 days, or a fine of not less than
15 \$100.00 or more than \$500.00, or both, and the costs of
16 prosecution.

17 (8) ~~A person~~**AN INDIVIDUAL** who violates section 40113(2) is
18 guilty of a misdemeanor punishable by imprisonment for not more
19 than 90 days, or a fine of not less than \$50.00 or more than
20 \$500.00, or both, and the costs of prosecution.

21 (9) ~~A person~~**AN INDIVIDUAL** who violates section 40113(3) is
22 guilty of a misdemeanor and shall be punished by imprisonment for
23 not less than 5 days or more than 90 days and a fine of not less
24 than \$100.00 or more than \$500.00, and the costs of prosecution.

25 (10) ~~A person~~**AN INDIVIDUAL** who violates a provision of this
26 part or an order or interim order issued under this part regarding
27 the taking or possession of an animal that has been designated by

1 the department to be a protected animal, other than an animal that
2 appears on a list prepared pursuant to ~~UNDER~~ section 36505, is
3 guilty of a misdemeanor punishable by imprisonment for not more
4 than 90 days or a fine of not less than \$100.00 or more than
5 \$1,000.00, or both, and the costs of prosecution.

6 (11) ~~A person~~ **AN INDIVIDUAL** who buys or sells game or a
7 protected animal in violation of this part or an order or interim
8 order issued under this part is guilty of a misdemeanor punishable
9 by imprisonment for not more than 90 days or a fine of not more
10 than \$1,000.00, or both, for the first offense, and is guilty of a
11 felony for each subsequent offense.

12 (12) **AN INDIVIDUAL WHO VIOLATES A PROVISION OF THIS PART OR AN**
13 **ORDER OR INTERIM ORDER ISSUED UNDER THIS PART REGARDING THE**
14 **IMPORTATION OF DEER OR ELK CARCASSES FROM A STATE OR PROVINCE**
15 **DETECTED TO HAVE CHRONIC WASTING DISEASE IN FREE-RANGING DEER OR**
16 **ELK POPULATIONS IS GUILTY OF A MISDEMEANOR PUNISHABLE BY**
17 **IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF NOT LESS THAN**
18 **\$500.00 OR MORE THAN \$2,000.00, OR BOTH, AND THE COSTS OF**
19 **PROSECUTION.**

20 (13) ~~(12)~~ ~~If a person~~ **AN INDIVIDUAL** is convicted of a
21 violation of this part or an order or interim order issued under
22 this part and it is alleged in the complaint and proved or admitted
23 at trial or ascertained by the court after conviction that the
24 ~~person~~ **INDIVIDUAL** had been previously convicted 2 times within the
25 preceding 5 years for a violation of this part or an order or
26 interim order issued under this part, the ~~person~~ **INDIVIDUAL** is
27 guilty of a misdemeanor and shall be punished by imprisonment for

1 not less than 10 days or more than 180 days, and a fine of not less
2 than \$500.00 or more than \$2,000.00, and costs of prosecution.