

**SUBSTITUTE FOR  
SENATE BILL NO. 211**

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~~ **MUST** be revoked pursuant to the  
9 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to

1 24.328.

2 (2) 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 any game, except deer, bear, wild turkey,  
5 wolf, waterfowl, moose, or elk, is guilty of a misdemeanor  
6 punishable by imprisonment for not more than 90 days, or a fine of  
7 not less than \$100.00 or more than \$1,000.00, or both, and the  
8 costs of prosecution.

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

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

25 (5) An individual who violates a provision of this part or an  
26 order or interim order issued under this part regarding the  
27 possession or taking of moose is guilty of a misdemeanor ~~and shall~~

1 ~~be punished~~ **PUNISHABLE** by imprisonment for not less than 90 days or  
2 more than 1 year and a fine of not less than \$1,000.00 or more than  
3 \$5,000.00, and the costs of prosecution.

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

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

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

27 (a) For a first offense, the individual shall not secure or

1 possess a license of any kind to hunt for an additional 2 calendar  
2 years after the penalties imposed under subsection (7).

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

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

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

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

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

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

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

1 and the costs of prosecution.

2 (13) An individual who violates section 40113(3) is guilty of  
3 a misdemeanor ~~and shall be punished~~ **PUNISHABLE** by imprisonment for  
4 not less than 5 days or more than 90 days and a fine of not less  
5 than \$100.00 or more than \$500.00, and the costs of prosecution.

6 (14) An individual who violates a provision of this part or an  
7 order or interim order issued under this part regarding the taking  
8 or possession of an animal that has been designated by the  
9 department to be a protected animal, other than an animal that  
10 appears on a list prepared pursuant to ~~UNDER~~ section 36505, is  
11 guilty of a misdemeanor punishable by imprisonment for not more  
12 than 90 days or a fine of not less than \$100.00 or more than  
13 \$1,000.00, or both, and the costs of prosecution.

14 (15) An individual who buys or sells game or a protected  
15 animal in violation of this part or an order or interim order  
16 issued under this part is guilty of a misdemeanor punishable by  
17 imprisonment for not more than 90 days or a fine of not more than  
18 \$1,000.00, or both, for the first offense, and is guilty of a  
19 felony for each subsequent offense.

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

1           (17) AN INDIVIDUAL WHO VIOLATES A PROVISION OF THIS PART OR AN  
2 ORDER OR INTERIM ORDER ISSUED UNDER THIS PART REGARDING THE  
3 IMPORTATION OF A CERVID CARCASS OR PARTS OF A CERVID CARCASS, OTHER  
4 THAN HIDES, DEBONED MEAT, QUARTERS OR OTHER PARTS OF A CERVID THAT  
5 DO NOT HAVE ANY PART OF THE SPINAL COLUMN OR HEAD ATTACHED,  
6 FINISHED TAXIDERMY PRODUCTS, CLEANED TEETH, ANTLERS, OR ANTLERS  
7 ATTACHED TO A SKULLCAP CLEANED OF BRAIN AND MUSCLE TISSUE, FROM  
8 ANOTHER STATE OR PROVINCE IS GUILTY OF A MISDEMEANOR PUNISHABLE BY  
9 IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF NOT LESS THAN  
10 \$500.00 OR MORE THAN \$2,000.00, OR BOTH, AND THE COSTS OF  
11 PROSECUTION.

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

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