

Act No. 316
Public Acts of 1996
Approved by the Governor
June 24, 1996
Filed with the Secretary of State
June 25, 1996

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996**

Introduced by Senators Geake, Bennett, Dunaskiss, McManus, Gast, Bouchard, Dingell, Koivisto, Hoffman, Young, North, Berryman, Gougeon, Shugars, Steil, Emmons, Cisky, Stille, Conroy, Miller, Byrum, Peters, Carl, Rogers, DeBeausseaert, Schuette and Stallings

ENROLLED SENATE BILL No. 965

AN ACT to amend section 40112 of Act No. 451 of the Public Acts of 1994, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," as added by Act No. 57 of the Public Acts of 1995, being section 324.40112 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 40112 of Act No. 451 of the Public Acts of 1994, as added by Act No. 57 of the Public Acts of 1995, being section 324.40112 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 40112. (1) A person shall not obstruct or interfere in the lawful taking of animals by another person.

(2) A person violates this section when the person intentionally or knowingly does any of the following:

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

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

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

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

(e) Interjects himself or herself into the line of fire of a person lawfully taking wildlife.

(f) Affects the condition or placement of personal or public property intended for use in the lawful taking of an animal in order to impair the usefulness of the property or prevent the use of the property.

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

(h) Engages in any other act or behavior for the purpose of violating this section.

(3) Upon petition of an aggrieved person or a person who reasonably may be aggrieved by a violation of this section, a court of competent jurisdiction, upon a showing that a person was engaged in and threatens to continue to engage in illegal conduct under this section, may enjoin that conduct.

(4) A person who violates this section is guilty of a misdemeanor, punishable by imprisonment for not more than 93 days, or a fine of not less than \$500.00 or more than \$1,000.00, or both, and the costs of prosecution. A person who violates this section a second or subsequent time is guilty of a misdemeanor, punishable by imprisonment for not more than 1 year, or a fine of not less than \$1,000.00 or more than \$2,500.00, or both, and the costs of prosecution. In addition to the penalties provided for in this subsection, any permit or license issued by the department authorizing the person to take animals shall be revoked. A prosecution under this section does not preclude prosecution or other action under any other criminal or civil statute.

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

Section 2. This amendatory act shall take effect July 1, 1996.

This act is ordered to take immediate effect.

Secretary of the Senate.

Clerk of the House of Representatives.

Approved -----

Governor.