



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 244 (as reported without amendment)
Senate Bill 245 (Substitute S-2 as reported)
Senate Bill 246 (Substitute S-1 as reported)
Sponsor: Senator Phil Pavlov (S.B. 244)
 Senator Dale W. Zorn (S.B. 245 & 246)
Committee: Outdoor Recreation and Tourism

CONTENT

Senate Bill 244 would amend Part 401 (Wildlife Conservation) of the Natural Resources and Environmental Protection Act (NREPA) to increase the restitution to the State for an individual convicted of illegally killing, possessing, purchasing, or selling certain game or protected animals. Table 1 shows the current rate of reimbursement as well as the amount proposed under the bill, for those that would be changed.

Table 1

Animal	Current Law	Senate Bill 244
Elk	\$1,500 per animal	\$5,000 per animal plus an additional \$250 for each point for an elk with 8-10 points, or an additional \$500 for each point for an elk with 11 or more points
Moose	\$1,500 per animal	\$5,000 per animal plus an additional \$5,000 for an antlered moose
Bear	\$1,500 per animal	\$3,500 per animal
Eagle	\$0, or \$1,500 per animal if it appears on a list of endangered or threatened species	\$1,500 per animal
Deer, owl, wild turkey	\$1,000 per animal	\$1,000 per animal plus an additional \$1,000 for a turkey with a beard
Waterfowl	\$0	\$500 per animal

Senate Bill 245 (S-2) would amend Part 401 of NREPA to increase the number of years an individual is prohibited from securing or possessing a hunting license if the individual is convicted of illegally killing, possessing, purchasing, or selling a bear or turkey, or possessing or taking an elk or moose. Table 2 shows the number of years beyond the current year that an individual is prohibited from securing or possessing a hunting license under the current law as well as under the bill.

Table 2

Animal	Current Law	Senate Bill 245 (S-2)
Bear (First offense)	3 years	5 years
Bear (Subsequent offense)	3 years	10 years
Turkey	3 years	5 years
Elk or Moose (First offense)	3 years	15 years
Elk or Moose (Subsequent offense)	3 years	Life

The bill would also change the fine for an individual who violated a provision of Part 401 or an order or interim order issued under the part regarding possessing or taking waterfowl. Currently, a violation is a misdemeanor punishable by imprisonment for up to 90 days, a fine of at least \$100 but not more than \$1,000, or both imprisonment and a fine, and the costs of prosecution. Under the bill, for first offense, the fine would be at least \$250 but not more than \$500. For a subsequent offense, the fine would be \$500.

Senate Bill 246 (S-1) would amend the sentencing guidelines in the Code of Criminal Procedure to revise the citation to a section of the Natural Resources and Environmental Protection Act that Senate Bill 245 (S-2) would amend.

All of the bills are tie-barred and would take effect 90 days after being signed into law.

MCL 324.40119 (S.B. 244)
324.40118 (S.B. 245)
777.13e (S.B. 246)

Legislative Analyst: Ryan M. Bergan

FISCAL IMPACT

The bills would have a positive fiscal impact on the Department of Natural Resources (DNR). The bills would generally increase the amount of restitution owed by an individual convicted of illegally killing, possessing, purchasing, or selling certain species. In fiscal year 2013-14, the DNR received a total of \$355,620 in restitution payments from individuals found guilty of poaching or otherwise illegally possessing game. The revenue figure cannot be broken down by species, however, as the local courts that make the judgments do not provide this information; therefore, it is difficult to estimate with any certainty how much additional revenue the increased penalties under the bills would generate. It should be noted, however, that all restitution of this type is credited to the Game and Fish Protection Fund, which the DNR use for game species habitat improvements, law enforcement, and other purposes.

Changing the misdemeanor fine for violations involving waterfowl would have an indeterminate fiscal impact on local units of government, which receive penal fine revenue for public library purposes. It is not known whether the proposed change would increase or decrease revenue, but any impact would likely be minimal.

Date Completed: 5-11-15

Fiscal Analyst: Josh Sefton

Floor\sb244

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.