



Senate Fiscal Agency  
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House Bill 4149 (Substitute H-1 as passed by the House)  
House Bill 4151 (as passed by the House)  
House Bill 4152 (Substitute H-2 as passed by the House)  
Sponsor: Representative John Damoose (H.B. 4149)  
Representative Steven Johnson (H.B. 4151)  
Representative Gary Howell (H.B. 4152)  
House Committee: Judiciary  
Senate Committee: Natural Resources

Date Completed: 6-29-21

### **CONTENT**

**House Bill 4149 (H-1)** would amend Part 487 (Sport Fishing) of the Natural Resources and Environmental Protection Act (NREPA) to specify that an individual who failed to attach his or her name and address to tip-ups, or fished with more than the authorized number of lines would be responsible for a State civil infraction instead of a misdemeanor.

**House Bill 4151** would amend Part 435 (Hunting and Fishing Licensing) of NREPA to specify that an individual who failed to exhibit a hunting, fur harvester's, or fishing license in violation of a requirement to do so would be responsible for a State civil infraction instead of a misdemeanor.

**House Bill 4152 (H-1)** would amend Part 401 (Wildlife Conservation) of NREPA to specify that an individual who violated an order issued under Part 401 with respect to attaching certain information to a tree stand or ground blind or the supplementary feeding of deer, or who violated Part 435 with respect to taking or possessing a wild animal without having a valid license to do so, would be responsible for a State civil infraction instead of misdemeanor.

House Bill 4152 (H-1) would take effect 90 days after its enactment.

### **House Bill 4149 (H-1)**

Section 48703 prohibits an individual from using a tip-up or similar device to take fish through ice unless the owner's name and address is marked on the device. (A tip-up is an ice fishing device in which a wire is attached to the rod so that when a fish takes the bait a signal flag is raised.) Also, Section 48703 prohibits an individual from using more than three single lines or three single rods and lines, or a single line and a single rod and line, or from attaching more than six hooks on all lines. Generally, an individual who violates Part 487 (including the prohibitions described above) is guilty of a misdemeanor punishable by imprisonment for up to 90 days or a fine of up to \$500, or both.

Under the bill, an individual who failed to attach his or her name and address to tip-ups, or fished with more than the authorized number of lines, in violation of Section 48703 would be responsible for a State civil infraction and could be ordered to pay a civil fine of up to \$150.

### **House Bill 4151**

Section 43516 requires an individual with a hunting, fur harvester's, or fishing license to carry that license (or an electronical copy of the license, if applicable) when engaging in hunting, trapping, or fishing activities, and to show the license upon the demand of a conservation officer, a law enforcement officer, or a tribal conservation officer, or the owner or occupant of the land. Generally, an individual who violates Part 435 (including the requirement to show a license upon demand) is guilty of a misdemeanor punishable by up to 90 days' imprisonment or a fine of \$25 to \$250 and the cost of prosecution, or both.

Under the bill, an individual who failed to exhibit a hunting, fur harvester's, or fishing license in violation of the requirement to do so would be responsible for a State civil infraction and could be ordered to pay a civil fine of up to \$150.

### **House Bill 4152 (H-1)**

Currently, the Wildlife Conservation Order requires an individual to attach his or her name, driver license number, or sportcard number to a ground blind, tree stand, scaffold, or raised platform. The Order also restricts the supplemental feeding of deer. Under Part 401 of NREPA, a person who violates Part 401 or an order or interim order issued under Part 401 is guilty of a misdemeanor punishable by up to 90 days' imprisonment or a fine of \$50 to \$500, or both, and the cost of prosecution.

Under the bill, an individual who violated a provision of Part 401 or an order or interim order issued under Part 401 regarding any of the following would be responsible for a State civil infraction and could be ordered to pay a civil fine up to \$150:

- Attaching that individual's name, driver license number, or sportcard number to a ground blind.
- Attaching that individual's name, driver license number, or sportcard number to a tree stand, scaffold, or raised platform.
- Supplemental feeding of deer.

Section 43509(2) prohibits an individual from taking or possessing a wild animal without having a valid license to do so. Currently, a violation of this provision is guilty of a misdemeanor punishable by up to 90 days' imprisonment or a fine of \$25 to \$250 and the cost of prosecution, or both. Under the bill, an individual who violated this provision would be responsible for a State civil infraction and could be ordered to pay a civil fine of up to \$150.

MCL 324.48738 (H.B. 4149)  
324.43560 (H.B. 4151)  
324.40118 & 324.43558 (H.B. 4152)

Legislative Analyst: Dana Adams

### **FISCAL IMPACT**

The bills would have an indeterminate fiscal impact on State and local units of government as a result of the proposed modifications to penalty provisions. Currently, the penalty for violation of the provisions described in the bills are misdemeanors punishable by up to 90 days in jail and/or a fine of up to \$250. The bills would reduce those violations from misdemeanors to civil infractions with a maximum civil fine of \$150.

Local units of government and local jails could realize savings from a reduction in their operating costs as violations of these provision no longer would require jail time. Additionally, local libraries and the Justice System Fund could see a reduction in revenue as the fines would be reduced. The amount of savings to local units of government is indeterminate and would depend on the actual number of violations in that locality.

The bills also would allow for the imposition of a \$150 civil fine. Revenue collected from civil fines is used to support local libraries. Additionally, \$10 of each civil fine is deposited into the State Justice System Fund. The Fund supports justice-related activities across State government in the Departments of Corrections, Health and Human Services, State Police, and Treasury. The Fund also supports justice-related issues in the Legislative Retirement System and the Judiciary. The amount of revenue to the State or for local libraries is indeterminate and would depend on the actual number of violations.

Fiscal Analyst: Joe Carrasco

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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.