

## Testimony in Support of House Bill 4439 of 2019

October 25, 2019

To: Michigan House of Representatives Committee on Natural Resources and Outdoor Recreation

I am submitting this written testimony in support House Bill 4439 of 2019 in the hope that you will report the bill out to the full House for a vote.

Similar bills have been introduced in the past including:

Senate Bill 37 of 2019 ( <http://legislature.mi.gov/doc.aspx?2019-SB-0037> )

House Bill 4687 of 2019 ( <http://legislature.mi.gov/doc.aspx?2019-HB-4687> )

House Bill 6417 of 2018 ( <http://legislature.mi.gov/doc.aspx?2018-HB-6417> )

House Bill 6234 of 2010 ( <http://legislature.mi.gov/doc.aspx?2010-HB-6234> )

This bill would amend the current MCL 324.40111a to provide that persons feeding birds in their own yard would not be guilty of a misdemeanor. Currently, this section directs the Natural Resources Commission to issue an order concerning deer and elk feeding in this state. That Wildlife Conservation Order in Section 3.100a states: "A person shall not engage in deer and elk feeding ... " The penalty is provided in MCL 324.40118 (1) "An individual who violates this part, an order or interim order issued under this part ... is guilty of a misdemeanor punishable by imprisonment for not more than 90 days, or a fine of not less than \$50.00 or more than \$500.00, or both, and the costs of prosecution."

Not knowing about this legislation, the details of which were delegated to an unelected commission, I purchased corn birdseed at Horrocks in Delta Township. On the Sunday afternoon before Christmas an armed DNR officer came to our home and interrogated us asking if we knew it was a crime to feed deer because we put corn out for ducks (my wife and I live near the Grand River). He also asked us to produce identification which he took and entered into his mobile computer. In her 2018 book on misdemeanors, *Punishment Without Crime*, Alexandra Natapoff writes: "People with misdemeanor arrests and convictions often lose their jobs and find it hard to get new ones [page 6] ... Students, poor people, and the elderly can lose their government aid [page 6] ... Unlike with most felonies, that burden can be far worse than the legal sentence itself [page 12] ... a background check record is increasingly a part of every American's information footprint [page 36] ... A criminal record is for life [page 36] ... Since the misdemeanor system makes potential offenders of us all, it is in everyone's interest that the process work properly [page 254]."

I realize there may be other interests at play, such as federal dollars which are dependent on a total deer feeding ban. However, given that similar bills have been introduced in the this and previous legislative sessions fixing this problem (and I know of another person living north of Muskegon who had a similar experience) I suspect this is not an isolated incident.

The DNR Law Enforcement Division Bi-Weekly Field Reports provide similar examples. One dated 7/15/18 – 7/28/18 states: "CO William Webster checked on a complaint of someone feeding birds and causing deer to be attracted to the area. Contact was made with the homeowner and they were educated about the feeding and baiting ban."

In conclusion, I respectfully urge you to report out House Bill 4439 of 2019 for a vote of the full House of Representatives. Having my family's future threatened by a law enforcement officer because I performed a common everyday activity is not an experience I wish on anyone else. Thank you for considering this and I wish you the best of success in your tenure in the Michigan House of Representatives.

Sincerely,

Tim Watters

Delta Township

[timothywatters@runbox.com](mailto:timothywatters@runbox.com)