

SUBSTITUTE FOR
HOUSE BILL NO. 4018

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 48738 (MCL 324.48738), as amended by 2014 PA
541.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 48738. (1) ~~A person~~ **An individual** who violates this part
2 or rules or orders issued to implement this part, if a penalty is
3 not otherwise provided for that violation in this section, is
4 guilty of a misdemeanor punishable by imprisonment for not more
5 than 90 days or a fine of not more than \$500.00, or both.
- 6 (2) ~~A person~~ **An individual** convicted of using dynamite,
7 nitroglycerin, any other explosive substance, lime, electricity, or
8 poison for the purpose of taking or killing fish, convicted of



1 using nets not authorized by law for taking game fish, or convicted
 2 of buying or selling game fish or any parts of game fish is guilty
 3 of a misdemeanor punishable by imprisonment for not more than 90
 4 days or a fine of not less than \$250.00 or more than \$1,000.00, or
 5 both.

6 (3) ~~A person~~ **An individual** who takes or possesses **lake**
 7 sturgeon in violation of this part or rules or orders issued to
 8 implement this part is guilty of a misdemeanor and shall be
 9 punished by imprisonment for not ~~less than 30 days or~~ more than 180
 10 days and a fine of not less than \$500.00 or more than ~~\$2,000.00, or~~
 11 ~~both, \$5,000.00,~~ and the costs of prosecution.

12 (4) ~~A person~~ **An individual** who knowingly violates section
 13 48735(2) or (4) or a permit issued under section 48735(2) or (4)
 14 with respect to a genetically engineered variant of a fish species
 15 is guilty of a felony punishable by imprisonment for not more than
 16 5 years or a fine of not more than \$250,000.00, or both. In
 17 addition, the ~~person~~ **individual** is liable for any damages to the
 18 natural resources resulting from the violation, including, but not
 19 limited to, costs incurred to prevent or minimize such damages.

20 (5) If ~~a person~~ **an individual** is convicted of a violation of
 21 this part or rules or orders issued to implement this part and it
 22 is alleged in the complaint and proved or admitted at trial or
 23 ascertained by the court at the time of sentencing that the ~~person~~
 24 **individual** has been previously convicted 3 or more times of a
 25 violation of this part within the 5 years immediately preceding the
 26 last violation of this part, the ~~person~~ **individual** is guilty of a
 27 misdemeanor punishable by imprisonment for not more than 90 days or
 28 a fine of not more than \$1,000.00, or both, and the costs of
 29 prosecution. This subsection does not apply to the following



1 violations:

2 (a) Failing to possess or display a valid fishing license
3 issued ~~pursuant to~~ **under** part 435.

4 (b) Taking or possessing an overlimit of bluegill, sunfish,
5 crappie, perch, or nongame fish.

6 (c) Taking or possessing not more than 5 undersized fish.

7 (d) Fishing with too many lines.

8 (e) Failing to attach the ~~person's~~ **individual's** name and
9 address to tip-ups or minnow traps.

10 (f) Fishing with lines not under immediate control.

11 (6) In addition to the penalties provided in this section, a
12 fishing license issued to ~~a person~~ **an individual** sentenced ~~pursuant~~
13 ~~to~~ **under** subsection (2), (3), (4), or (5) ~~shall~~ **must** be revoked,
14 and the ~~person shall~~ **individual must** not be issued a license during
15 the remainder of the year in which convicted or during the next 3
16 succeeding license years.

17 (7) Subject to subsection (8), if any permit or license under
18 this part is ordered to be suspended or revoked under section 41309
19 and if the department maintains a database of suspensions or
20 revocations of permits or licenses under this part, the department
21 shall not issue a permit or license under this part to the ~~person~~
22 **individual** for the period provided in the order.

23 (8) If a permit or license under this part is ordered to be
24 suspended under section 41309, the suspension remains in effect
25 until all of the following occur:

26 (a) The suspension period set forth in the court order has
27 elapsed.

28 (b) The ~~person~~ **individual** pays the department a reinstatement
29 fee of \$125.00.



1 (9) Unless ~~a person's~~ **an individual's** permit or license is
2 otherwise suspended, revoked, or denied, the permit or license is
3 immediately reinstated on satisfaction of the requirements of
4 subsection (8).