

SUBSTITUTE FOR
HOUSE BILL NO. 4149

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 48738 (MCL 324.48738), as amended by 2020 PA
385.

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** who uses dynamite, nitroglycerin,
7 any other explosive substance, lime, electricity, or poison for the
8 purpose of taking or killing fish, who uses nets not authorized by

1 law for taking game fish, or who buys or sells game fish or any
2 part of game fish is guilty of a misdemeanor punishable by
3 imprisonment for not more than 90 days or a fine of not less than
4 \$250.00 or more than \$1,000.00, or both.

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

10 (4) ~~A person~~ **An individual** who knowingly violates section
11 48735(2) or (4), or a rule or permit issued under section 48735(2)
12 or (4), with respect to a genetically engineered variant of a fish
13 species is guilty of a felony punishable by imprisonment for not
14 more than 5 years or a fine of not more than \$250,000.00, or both.
15 In addition, the ~~person~~ **individual** is liable for any damages to the
16 natural resources resulting from the violation, including, but not
17 limited to, costs incurred to prevent or minimize the damages.

18 (5) **An individual who does either of the following is**
19 **responsible for a state civil infraction and may be ordered to pay**
20 **a civil fine of not more than \$150.00:**

21 (a) **Fails to attach the individual's name and address to tip-**
22 **ups in violation of section 48703(2).**

23 (b) **Fishes with more than the authorized number of lines in**
24 **violation of section 48703(1).**

25 (6) ~~(5)~~ ~~If a person~~ **an individual** is convicted of a violation
26 of this part or a rule promulgated or order issued under this part
27 and it is alleged in the complaint and proved or admitted at trial
28 or ascertained by the court at the time of sentencing that the
29 ~~person~~ **individual** has been previously convicted 3 or more times of

1 a violation of this part within the 5 years immediately preceding
 2 the last violation of this part, the ~~person~~**individual** is guilty of
 3 a misdemeanor punishable by imprisonment for not more than 90 days
 4 or a fine of not more than \$1,000.00, or both, and the costs of
 5 prosecution. This subsection does not apply to the following
 6 violations:

7 (a) Failing to possess or display a valid fishing license
 8 issued under part 435.

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

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

12 (d) Fishing with ~~too many~~**more than the authorized number of**
 13 lines.

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

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

17 **(7)** ~~(6)~~—In addition to the penalties provided in this section,
 18 a fishing license issued to a ~~person~~**an individual** sentenced under
 19 subsection (2), (3), (4), or ~~(5)~~ shall **(6) must** be revoked, and the
 20 ~~person shall~~**individual must** not be issued a license during the
 21 remainder of the year in which convicted or during the next 3
 22 succeeding license years.

23 **(8)** ~~(7)~~—Subject to subsection ~~(8)~~, **(9)**, if any permit or
 24 license under this part is ordered to be suspended or revoked under
 25 section 41309 and if the department maintains a database of
 26 suspensions or revocations of permits or licenses under this part,
 27 the department shall not issue a permit or license under this part
 28 to the ~~person~~**individual** for the period provided in the order.

29 **(9)** ~~(8)~~—If a permit or license under this part is ordered to

1 be suspended under section 41309, the suspension remains in effect
2 until both of the following occur:

3 (a) The suspension period set forth in the court order has
4 elapsed.

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

7 **(10)** ~~(9)~~ Unless ~~a person's~~**an individual's** permit or license
8 is otherwise suspended, revoked, or denied, the permit or license
9 is immediately reinstated on satisfaction of the requirements of
10 subsection ~~(8)~~**(9)**.