

**SUBSTITUTE FOR
HOUSE BILL NO. 4470**

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 **lake**
6 sturgeon in violation of this part or rules or orders issued to
7 implement this part is guilty of a misdemeanor punishable by
8 imprisonment for not more than 180 days or a fine of not less than
9 \$500.00 or more than ~~\$2,000.00, or both,~~ **\$5,000.00**, and the costs
10 of prosecution.

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

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



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

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

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

6 (d) Fishing with too many lines.

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

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

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

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

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

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

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

29 (9) Unless a ~~person's~~**an individual's** permit or license is



1 otherwise suspended, revoked, or denied, the permit or license is
2 immediately reinstated on satisfaction of the requirements of
3 subsection (8).

