

HOUSE BILL NO. 4470

March 09, 2021, Introduced by Reps. Allor, Sowerby, Brixie, Hood, Roth, Eisen, VanSingel, Rendon, Borton, Damoose and Whitsett and referred to the Committee on Natural Resources and Outdoor Recreation.

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

1 than 90 days or a fine of not more than \$500.00, or both.

2 (2) ~~A person~~ **An individual** convicted of using dynamite,
3 nitroglycerin, any other explosive substance, lime, electricity, or
4 poison for the purpose of taking or killing fish, convicted of
5 using nets not authorized by law for taking game fish, or convicted
6 of buying or selling game fish or any parts of game fish is guilty
7 of a misdemeanor punishable by imprisonment for not more than 90
8 days or a fine of not less than \$250.00 or more than \$1,000.00, or
9 both.

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

16 (4) ~~A person~~ **An individual** who knowingly violates section
17 48735(2) or (4) or a permit issued under section 48735(2) or (4)
18 with respect to a genetically engineered variant of a fish species
19 is guilty of a felony punishable by imprisonment for not more than
20 5 years or a fine of not more than \$250,000.00, or both. In
21 addition, the ~~person~~ **individual** is liable for any damages to the
22 natural resources resulting from the violation, including, but not
23 limited to, costs incurred to prevent or minimize such damages.

24 (5) If ~~a person~~ **an individual** is convicted of a violation of
25 this part or rules or orders issued to implement this part and it
26 is alleged in the complaint and proved or admitted at trial or
27 ascertained by the court at the time of sentencing that the ~~person~~
28 **individual** has been previously convicted 3 or more times of a
29 violation of this part within the 5 years immediately preceding the

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

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

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

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

11 (d) Fishing with too many lines.

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

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

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

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

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

1 (a) The suspension period set forth in the court order has
2 elapsed.

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

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