

**SUBSTITUTE FOR  
HOUSE BILL NO. 5695**

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 sturgeon in  
7 violation of this part or rules or orders issued to implement this  
8 part is guilty of a misdemeanor and ~~shall~~ **must** be punished by  
9 imprisonment for not less than 30 days or more than 180 days and a  
10 fine of not less than \$500.00 or more than \$2,000.00, or both, and  
11 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~~ **those**  
20 damages.

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

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

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

28 (6) ~~(5)~~ ~~If a person~~ **an individual** is convicted of a violation  
29 of this part or rules or orders issued to implement this part and



1 it is alleged in the complaint and proved or admitted at trial or  
2 ascertained by the court at the time of sentencing that the ~~person~~  
3 **individual** has been previously convicted 3 or more times of a  
4 violation of this part within the 5 years immediately preceding the  
5 last violation of this part, the ~~person~~**individual** is guilty of a  
6 misdemeanor punishable by imprisonment for not more than 90 days or  
7 a fine of not more than \$1,000.00, or both, and the costs of  
8 prosecution. This subsection does not apply to the following  
9 violations:

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

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

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

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

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

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

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

26 **(8)** ~~(7)~~—Subject to subsection ~~(8)~~, **(9)**, if any permit or  
27 license under this part is ordered to be suspended or revoked under  
28 section 41309 and if the department maintains a database of  
29 suspensions or revocations of permits or licenses under this part,



1 the department shall not issue a permit or license under this part  
2 to the ~~person~~**individual** for the period provided in the order.

3 **(9)** ~~(8)~~—If a permit or license under this part is ordered to  
4 be suspended under section 41309, the suspension remains in effect  
5 until all of the following occur:

6 (a) The suspension period set forth in the court order has  
7 elapsed.

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

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

