

SUBSTITUTE FOR
SENATE BILL NO. 559

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 491 (MCL 750.491).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 491. **(1)** All official books, papers, or records created
2 by or received in any office or agency of ~~the~~**THIS** state ~~of~~
3 ~~Michigan~~ or its political subdivisions ~~, are declared to be public~~
4 property ~~, belonging to the people of the~~**THIS** state. ~~of Michigan.~~
5 All **SUCH** books, papers, or records shall be disposed of only as
6 provided in ~~section 13c of Act No. 51 of the Public Acts of the~~
7 ~~First Extra Session of 1948, as added, being section 18.13c of the~~
8 ~~Compiled Laws of 1948, section 5 of Act No. 271 of the Public Acts~~
9 ~~of 1913, as amended, being section 399.5 of the Compiled Laws of~~

~~1948~~ SECTION 11 OF THE MICHIGAN HISTORY CENTER ACT, 2016 PA 470,
MCL 399.811, and sections 2137 and 2138 of Act No. ~~236~~ of the
Public Acts of 1961, being sections ~~600.2137~~ and ~~600.2138~~ of the
Compiled Laws of 1948. Any ~~THE REVISED JUDICATURE ACT OF 1961, 1961~~
PA 236, MCL 600.2137 AND 600.2138.

(2) A person ~~who shall wilfully~~ **NOT WILLFULLY** carry away,
mutilate, or destroy ~~any of such~~ **THE** books, papers, records, or any
part of the same, and any person ~~who shall~~ **A BOOK, PAPER, OR RECORD**
DESCRIBED IN SUBSECTION (1) AND SHALL NOT retain and continue to
hold the possession of ~~any~~ **THOSE** books, papers, or records, or
parts thereof, ~~belonging to the aforesaid offices~~ **OF THOSE BOOKS,**
PAPERS, OR RECORDS and shall refuse to deliver up ~~such~~ **THOSE** books,
papers, records, or parts thereof **OF THOSE BOOKS, PAPERS, OR**
RECORDS to the proper officer having charge of the office to which
~~such~~ **THOSE** books, papers, or records belong, upon demand being
made by ~~such~~ **THAT** officer or, ~~in cases of a defunct~~ **IF THE** office
IS DEFUNCT, the Michigan ~~historical commission~~, shall be **HISTORY**
CENTER CREATED IN THE MICHIGAN HISTORY CENTER ACT, 2016 PA 470, MCL
399.801 TO 399.812. A PERSON WHO VIOLATES THIS SECTION IS guilty of
a misdemeanor, punishable by imprisonment ~~in the state prison~~ **FOR**
not more than 2 years or ~~by~~ a fine of not more than \$1,000.00.

Enacting section 1. This amendatory act takes effect 90 days
after the date it is enacted into law.

Enacting section 2. This amendatory act does not take effect
unless Senate Bill No. 564 of the 99th Legislature is enacted into
law.