

**SUBSTITUTE FOR
HOUSE BILL NO. 5092**

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending the title and sections 282 and 383a (MCL 750.282 and
750.383a), the title as amended by 2010 PA 107, section 282 as
amended by 1987 PA 32, and section 383a as amended by 2008 PA 413.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE
2 An act to revise, consolidate, codify, and add to the statutes
3 relating to crimes; to define crimes **and certain state civil**
4 **infractions** and prescribe the penalties, **sanctions**, and remedies;
5 to provide for restitution under certain circumstances; to provide
6 for the competency of evidence at the trial of persons accused of
7 crime; to provide immunity from prosecution for certain witnesses



1 appearing at criminal trials; to provide for liability for damages;
2 and to repeal certain acts and parts of acts inconsistent with or
3 contravening any of the provisions of this act.

4 Sec. 282. (1) A person shall not do any of the following:

5 (a) Willfully or fraudulently injure, or fraudulently allow to
6 be injured, a meter, wire, line, pipe, or appliance belonging to a
7 water, steam, electric, or gas company, or propane gas dealer or
8 distributor.

9 (b) Willfully or fraudulently prevent a water, steam,
10 electric, gas, or propane gas meter belonging to a water, steam,
11 electric, or gas company, or propane gas dealer or distributor from
12 duly registering the quantity of water, steam, electric current,
13 gas, or propane gas measured through the meter, or in any way
14 hinder or interfere with the meter's proper action or just
15 registration.

16 (c) Attach a line, wire, or pipe to a line, wire, pipe, or
17 main belonging to a water, steam, electric, or gas company, or
18 propane gas dealer or distributor. This subdivision does not apply
19 to the use of a ground wire to ground an electrical system.

20 (d) Willfully or fraudulently interfere with a pressure
21 regulator device on a propane gas tank or incorporated into a
22 propane gas system.

23 (e) Use or burn or cause to be used or burned any water,
24 steam, electric current, gas, or propane gas supplied by a water,
25 steam, electric, or gas company, or propane gas dealer or
26 distributor, without the written consent of the company or the
27 propane gas dealer or distributor, or the authorized agent or
28 officer of the company or the propane gas dealer or distributor,
29 unless the water, steam, electric current, gas, or propane gas



1 passes through a meter or is measured by a meter set by the company
2 or the propane gas dealer or distributor; fraudulently use the
3 water, steam, electric current, gas, or propane gas, or
4 fraudulently waste the water, steam, electric current, gas, or
5 propane gas supplied by a water, steam, electric, or gas company,
6 or propane gas dealer or distributor.

7 (2) A person who violates subsection (1) is **guilty of a crime**
8 **or responsible for a state civil infraction as follows:**

9 (a) **The person is** guilty of a misdemeanor if the value of the
10 water, steam, electric current, gas, or propane gas used, burned,
11 or wasted, or the damage caused, as a result of the violation, is
12 not more than \$500.00.

13 (b) ~~A person who violates subsection (1)~~ **The person** is guilty
14 of a felony if the value of the water, steam, electric current,
15 gas, or propane gas used, burned, or wasted, or the damage caused,
16 as a result of the violation, is more than \$500.00.

17 (c) **A person who violates subsection (1) by restoring water**
18 **service to the person's lawfully occupied residence after a water**
19 **service shutoff to the residence due to an inability to pay for**
20 **water and sewer service, provided that no metering device or**
21 **backflow prevention device is damaged, bypassed, or rendered**
22 **inoperable by the restoration, is responsible for a state civil**
23 **infraction as follows:**

24 (i) For a first offense, the person may be ordered to perform
25 not more than 25 hours of community service.

26 (ii) For a second offense, the person may be fined not more
27 than \$250.00 or ordered to perform not more than 50 hours of
28 community service, or both.

29 (iii) For a third or subsequent offense, the person may be fined



1 not more than \$500.00 or ordered to perform not more than 100 hours
2 of community service, or both.

3 (3) A ~~criminal~~ prosecution under this section ~~shall~~ **must** not
4 in any way impair the right of the company or the propane gas
5 dealer or distributor to full compensation in damages by civil
6 action.

7 (4) ~~The provisions of this~~ **This** section ~~shall extend and apply~~
8 **applies** to all offenses against all water, steam, electric, or gas
9 companies, or propane gas dealers or distributors, and boards or
10 municipalities owning or operating plants for producing,
11 manufacturing, furnishing, transmitting, or conducting water,
12 steam, electricity, or gas, either natural, liquefied, or
13 artificial.

14 (5) A person who attaches any line, wire, or pipe or any other
15 device or process to any line, wire, or pipe of a water, steam,
16 electric, or gas company, or propane gas dealer or distributor
17 which interferes with the proper operation and just registration of
18 a meter within the meaning of this section, or who interferes with
19 a pressure regulator device on a propane gas tank or incorporated
20 into a propane gas system, is presumed to do so with intent to
21 avoid, or to enable another to avoid, payment for the service
22 involved.

23 (6) In all prosecutions under this section, proof that the
24 defendant, other than a lessor, had control of or occupied the
25 premises where the offense was committed, or received the benefit
26 of the water, steam, electric current, gas, or propane gas used or
27 consumed, ~~shall be~~ **is** prima facie evidence of a violation of this
28 section.

29 (7) A person who is issued a citation for a violation under



1 subsection (2)(c) must be referred to a water assistance or
2 affordability program, if eligible.

3 Sec. 383a. (1) A person, without lawful authority, shall not
4 willfully cut, break, obstruct, injure, destroy, tamper with or
5 manipulate, deface, or steal any machinery, tools, equipment,
6 telephone line or post, telegraph line or post, telecommunication
7 line, tower, or post, electric line, post, tower or supporting
8 structures, electric wire, insulator, switch, or signal, natural
9 gas pipeline, water pipeline, steam heat pipeline or the valves or
10 other appliances or equipment appertaining to or used in connection
11 with those lines, or any other appliance or component of the
12 electric, telecommunication, **water**, or natural gas infrastructure
13 that is the property of a utility. ~~A~~**Except as provided in**
14 **subsection (2), a** person who violates this section is guilty of a
15 felony punishable by imprisonment for not more than 5 years or a
16 fine of not more than \$5,000.00, or both.

17 (2) A person who violates subsection (1) by restoring water
18 service to the person's lawfully occupied residence after a water
19 service shutoff to the residence due to an inability to pay for
20 water and sewer service, provided that no metering device or
21 backflow prevention device is damaged, bypassed, or rendered
22 inoperable by the restoration, is responsible for a state civil
23 infraction as follows:

24 (a) For a first offense, the person may be ordered to perform
25 not more than 25 hours of community service.

26 (b) For a second offense, the person may be fined not more
27 than \$250.00 or ordered to perform not more than 50 hours of
28 community service, or both.

29 (c) For a third or subsequent offense, the person may be fined



1 not more than \$500.00 or ordered to perform not more than 100 hours
2 of community service, or both.

3 (3) A person who is issued a citation for a violation under
4 subsection (2) must be referred to a water assistance or
5 affordability program, if eligible.

6 (4) As used in this section, "utility" includes any pipeline,
7 gas, electric, heat, water, oil, sewer, telephone, telegraph,
8 telecommunication, radio, railway, railroad, airplane,
9 transportation, communication, or other system, whether or not
10 publicly owned, that is operated for the public use.

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

