

# HOUSE BILL No. 5146

September 24, 1991, Introduced by Reps. Palamara, Porreca, Niederstadt and Profit and referred to the Committee on Judiciary.

A bill to amend Act No. 328 of the Public Acts of 1931,  
entitled as amended

"The Michigan penal code,"

as amended, being sections 750.1 to 750.568 of the Michigan  
Compiled Laws, by adding section 377c.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Act No. 328 of the Public Acts of 1931, as  
2 amended, being sections 750.1 to 750.568 of the Michigan Compiled  
3 Laws, is amended by adding section 377c to read as follows:

4       SEC. 377C. (1) AS USED IN THIS SECTION:

5       (A) "DEFACE" MEANS TO MAR, DESTROY, ERASE, OBLITERATE, OR  
6 OTHERWISE DAMAGE REAL OR PERSONAL PROPERTY, WITH PAINT OR ANY  
7 OTHER SUBSTANCE OR BY USE OF PHYSICAL OR MECHANICAL FORCE.

1 (B) "LICENSE" MEANS THAT TERM AS DEFINED IN SECTION 25 OF  
2 THE MICHIGAN VEHICLE CODE, ACT NO. 300 OF THE PUBLIC ACTS OF  
3 1949, BEING SECTION 257.25 OF THE MICHIGAN COMPILED LAWS.

4 (2) A PERSON IS GUILTY OF VANDALISM IN THE FIRST DEGREE IF  
5 THE PERSON MALICIOUSLY DEFACES THE REAL OR PERSONAL PROPERTY OF  
6 ANOTHER PERSON, AND THE DAMAGE CAUSED BY THE DEFACEMENT OR COST  
7 OF REPAIRING THE DEFACEMENT IS \$50,000.00 OR MORE. VANDALISM IN  
8 THE FIRST DEGREE IS A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT  
9 MORE THAN 4 YEARS, OR A FINE OF NOT MORE THAN \$50,000.00, OR  
10 BOTH.

11 (3) A PERSON IS GUILTY OF VANDALISM IN THE SECOND DEGREE IF  
12 THE PERSON MALICIOUSLY DEFACES THE REAL OR PERSONAL PROPERTY OF  
13 ANOTHER PERSON, AND THE DAMAGE CAUSED BY THE DEFACEMENT OR THE  
14 COST OF REPAIRING THE DEFACEMENT IS \$5,000.00 OR MORE BUT LESS  
15 THAN \$50,000.00. VANDALISM IN THE SECOND DEGREE IS A FELONY PUN-  
16 ISHABLE BY IMPRISONMENT FOR NOT MORE THAN 2 YEARS, OR A FINE OF  
17 NOT MORE THAN \$10,000.00, OR BOTH.

18 (4) A PERSON IS GUILTY OF VANDALISM IN THE THIRD DEGREE IF  
19 THE PERSON MALICIOUSLY DEFACES THE REAL OR PERSONAL PROPERTY OF  
20 ANOTHER PERSON, AND THE DAMAGE CAUSED BY THE DEFACEMENT OR THE  
21 COST OF REPAIRING THE DEFACEMENT IS \$1,000.00 OR MORE BUT LESS  
22 THAN \$5,000.00. VANDALISM IN THE THIRD DEGREE IS A MISDEMEANOR  
23 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR, OR A FINE OF  
24 NOT MORE THAN \$5,000.00, OR BOTH.

25 (5) A PERSON IS GUILTY OF VANDALISM IN THE FOURTH DEGREE IF  
26 THE PERSON MALICIOUSLY DEFACES THE REAL OR PERSONAL PROPERTY OF  
27 ANOTHER PERSON, AND THE DAMAGE CAUSED BY THE DEFACEMENT OR THE

1 COST OF REPAIRING THE DEFACEMENT IS LESS THAN \$1,000.00.  
2 VANDALISM IN THE FOURTH DEGREE IS A MISDEMEANOR PUNISHABLE BY  
3 IMPRISONMENT FOR NOT MORE THAN 6 MONTHS, OR A FINE OF NOT MORE  
4 THAN \$1,000.00, OR BOTH.

5 (6) AS PART OF THE SENTENCE FOR A PERSON FOR A VIOLATION OF  
6 SUBSECTION (2), (3), (4), OR (5), THE COURT MAY DO 1 OR BOTH OF  
7 THE FOLLOWING:

8 (A) ORDER THE SECRETARY OF STATE TO SUSPEND THE LICENSE OF  
9 THE PERSON OR DENY THE ISSUANCE OF A LICENSE TO THE PERSON FOR A  
10 PERIOD OF NOT MORE THAN 1 YEAR. THE PERSON WHOSE LICENSE IS  
11 ORDERED SUSPENDED UNDER THIS SECTION SHALL IMMEDIATELY SURRENDER  
12 THE LICENSE TO THE COURT. THE COURT SHALL IMMEDIATELY FORWARD  
13 THE LICENSE AND ABSTRACT OF CONVICTION TO THE SECRETARY OF  
14 STATE. THE ABSTRACT OF CONVICTION SHALL INDICATE THE PERIOD OF  
15 THE SUSPENSION ORDERED BY THE COURT UNDER THIS SECTION.

16 (B) ORDER THE PERSON TO REPAIR THE DEFACED PROPERTY HIMSELF  
17 OR HERSELF, OR PAY THE COST OF REPAIRING THE DEFACED PROPERTY.

18 Section 2. This amendatory act shall not take effect unless  
19 Senate Bill No. \_\_\_\_\_ or House Bill No. 5147 (request  
20 no. 02197'91 a) of the 86th Legislature is enacted into law.