



SENATE BILL No. 748

July 13, 1993, Introduced by Senators WELBORN and
EHLERS and referred to the Committee on Judiciary.

A bill to amend sections 157s, 174, 177, 178, 181, 218,
219a, 356, 356c, 362a, 377a, 380, 387, and 535 of Act No. 328 of
the Public Acts of 1931, entitled as amended

"The Michigan penal code,"

section 157s as amended by Act No. 276 of the Public Acts of 1987
and section 356c as added by Act No. 20 of the Public Acts of
1988, being sections 750.157s, 750.174, 750.177, 750.178,
750.181, 750.218, 750.219a, 750.356, 750.356c, 750.362a,
750.377a, 750.380, 750.387, and 750.535 of the Michigan Compiled
Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 157s, 174, 177, 178, 181, 218, 219a,
2 356, 356c, 362a, 377a, 380, 387, and 535 of Act No. 328 of the
3 Public Acts of 1931, section 157s as amended by Act No. 276 of
4 the Public Acts of 1987 and section 356c as added by Act No. 20

1 of the Public Acts of 1988, being sections 750.157s, 750.174,
2 750.177, 750.178, 750.181, 750.218, 750.219a, 750.356, 750.356c,
3 750.362a, 750.377a, 750.380, 750.387, and 750.535 of the Michigan
4 Compiled Laws, are amended to read as follows:

5 Sec. 157s. A person who, for the purpose of obtaining
6 goods, property, services, or anything of value, knowingly and
7 with intent to defraud uses 1 or more financial transaction
8 devices ~~which~~ THAT have been revoked or canceled by the issuer
9 of the device or devices, as distinguished from expired, and HAS
10 RECEIVED notice of the revocation or cancellation ~~has been~~
11 ~~received by the person,~~ is guilty of a ~~misdemeanor if~~ CRIME,
12 PUNISHABLE AS FOLLOWS:

13 (A) IF the aggregate value of the goods, property, services,
14 or anything of value is ~~\$100.00~~ \$1,000.00 or less, ~~and is~~
15 ~~guilty of a felony, punishable by a fine of not more than~~
16 ~~\$1,000.00, or imprisonment for not more than 1 year, or both, if~~
17 THE PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT
18 FOR NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN \$100.00, OR
19 BOTH.

20 (B) IF the aggregate value of the goods, property, services,
21 or anything of value is more than ~~\$100.00~~ \$1,000.00, THE PERSON
22 IS GUILTY OF A FELONY PUNISHABLE BY A FINE OF NOT MORE THAN
23 \$1,000.00, OR IMPRISONMENT FOR NOT MORE THAN 1 YEAR, OR BOTH.

24 Sec. 174. (1) ~~Any~~ A person who as the agent, servant or
25 employee of another PERSON, or as the trustee, bailee, or custo-
26 dian of the property of another PERSON, or of any partnership,
27 voluntary association, public or private corporation, or of this

1 state, or of any county, city, village, township, or school
 2 district within this state, ~~shall~~ WHO fraudulently ~~dispose~~
 3 DISPOSES of or ~~convert~~ CONVERTS to his OR HER own use, or ~~take~~
 4 ~~or secrete~~ TAKES OR SECRETES with THE intent to convert to his
 5 OR HER own use without the consent of his OR HER principal ~~—~~
 6 any money or other personal property of his OR HER principal
 7 ~~which shall have~~ THAT HAS come to ~~his~~ THAT PERSON'S posses-
 8 sion or ~~shall be~~ THAT IS under his OR HER charge or control by
 9 virtue of his OR HER being such AN agent, servant, employee,
 10 trustee, bailee, or custodian, ~~as aforesaid, shall be~~ IS guilty
 11 of ~~the crime of~~ embezzlement. ~~—, and upon conviction thereof,~~
 12 ~~if~~ IF the money or personal property ~~so~~ embezzled ~~shall be~~
 13 IS of the value of ~~\$100.00~~ \$1,000.00 or under, ~~shall be~~ THE
 14 PERSON IS guilty of a misdemeanor ~~—, if~~ PUNISHABLE BY IMPRISON-
 15 MENT FOR NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN
 16 \$100.00, OR BOTH. IF the money or personal property ~~so~~ embez-
 17 zled ~~be~~ IS of the value of more than ~~\$100.00~~ \$1,000.00,
 18 ~~such~~ THE person ~~shall be~~ IS guilty of a felony ~~—, punishable~~
 19 by imprisonment ~~in the state prison~~ FOR not more than 10 years
 20 or by a fine not exceeding \$5,000.00.

21 (2) In ~~any~~ A prosecution under this section, the failure,
 22 neglect, or refusal of ~~such~~ THE agent, servant, employee,
 23 trustee, bailee, or custodian to pay, deliver, or refund to his
 24 OR HER principal ~~such~~ THE money or property entrusted to his OR
 25 HER care upon demand ~~shall be~~ IS prima facie proof of intent to
 26 embezzle.

1 Sec. 177. ~~Any~~ A person ~~who~~ shall NOT embezzle ~~—~~ OR
 2 fraudulently remove, conceal, or dispose of any personal property
 3 held by him OR HER subject to ~~any~~ A chattel mortgage or written
 4 instrument intended to operate as a chattel mortgage, ~~or any~~ A
 5 lease or written instrument intended to operate as a lease, or
 6 ~~any~~ A contract to purchase not yet fulfilled with intent to
 7 injure or defraud the mortgagee, lessor, or vendor under ~~such~~
 8 THE contract or any assignee ~~thereof, shall, if~~ OF THE MORTGA-
 9 GEE, LESSOR, OR VENDOR. IF the property ~~so~~ THAT IS embezzled,
 10 removed, concealed, or disposed of, ~~is of the~~ HAS A value of
 11 more than ~~\$100.00~~ \$1,000.00, ~~be~~ THE PERSON IS guilty of a
 12 felony ~~—~~ punishable by imprisonment ~~in the state prison~~ FOR
 13 not more than 2 years, or by a fine of not more than \$1,000.00.
 14 If the property ~~so~~ THAT IS removed, concealed, or disposed of
 15 ~~is of the~~ HAS A value of ~~\$100.00~~ \$1,000.00 or less, the
 16 person ~~so offending shall be~~ IS guilty of a misdemeanor
 17 PUNISHABLE BY A FINE OF NOT MORE THAN 90 DAYS OR A FINE OF NOT
 18 MORE THAN \$100.00, OR BOTH.

19 Sec. 178. ~~Any~~ A person ~~who~~ shall NOT EMBEZZLE OR fraud-
 20 ulently ~~embezzle,~~ remove, conceal, or dispose of any personal
 21 property ~~which~~ THAT has been mortgaged, leased, or purchased
 22 under a contract to purchase not yet fulfilled by another PERSON
 23 knowing ~~such~~ THE personal property ~~to have~~ HAS been ~~so~~
 24 mortgaged, leased, or purchased ~~—~~ AND with THE intent to injure
 25 or defraud the mortgagee, lessor, or vendor under ~~such~~ THE con-
 26 tract, or any assignee ~~thereof, shall, if~~ OF THE MORTGAGEE,
 27 LESSOR, OR VENDOR. IF the property ~~so~~ THAT IS embezzled,

1 removed, concealed, or disposed of ~~—, is of the~~ HAS A value of
 2 more than ~~—\$100.00, be~~ \$1,000.00, THE PERSON IS guilty of a
 3 felony ~~—, punishable by imprisonment in the state prison~~ FOR
 4 not more than 2 years or by a fine of not more than \$1,000.00.
 5 If the property ~~—so~~ removed, concealed, or disposed of ~~—is of~~
 6 ~~the~~ HAS A value of ~~—\$100.00—~~ \$1,000.00 or less, the person ~~—so~~
 7 ~~offending shall be~~ IS guilty of a misdemeanor PUNISHABLE BY
 8 IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN
 9 \$100.00, OR BOTH.

10 Sec. 181. (1) ~~Any~~ AN agent, servant, employee, trustee,
 11 bailee, custodian, attorney-at-law, collector, or other person,
 12 who ~~—, in any manner receives or collects money or any other~~
 13 personal property ~~—which~~ THAT is partly the property of another
 14 and partly the property of ~~—such~~ THE agent, servant, employee,
 15 trustee, bailee, custodian, attorney-at-law, collector, or other
 16 person ~~—, and who~~ shall NOT embezzle, ~~—or~~ fraudulently dispose
 17 of, ~~—or~~ convert to his OR HER own use, or take or secrete with
 18 intent to embezzle or convert to his OR HER own use ~~—, such~~ THE
 19 money or personal property ~~—, without the consent of the part~~
 20 owner of ~~—such~~ THE money or personal property. ~~—, shall, if~~ IF
 21 the money or personal property ~~—so~~ embezzled ~~—is of the~~ HAS A
 22 value of ~~—\$100.00—~~ \$1,000.00 or under, ~~—be~~ THE PERSON IS guilty
 23 of a misdemeanor ~~—, if~~ PUNISHABLE BY IMPRISONMENT FOR NOT MORE
 24 THAN 90 DAYS OR A FINE OF NOT MORE THAN \$100.00, OR BOTH. IF the
 25 money or personal property ~~—so~~ embezzled ~~—is of the~~ HAS A value
 26 of more than ~~—\$100.00—~~ \$1,000.00, he ~~—shall be~~ OR SHE IS guilty
 27 of a felony ~~—, punishable by imprisonment in the state prison~~

1 FOR not more than 10 years or by a fine of not more than
2 \$5,000.00.

3 (2) In ~~any~~ A prosecution ~~for such crime it shall be~~
4 UNDER THIS SECTION, IT IS no defense ~~that such~~ THE agent, ser-
5 vant, employee, trustee, bailee, custodian, attorney-at-law,
6 collector, or other person was entitled to a compensation out of
7 ~~such~~ THE money or personal property as compensation for col-
8 lecting or receiving ~~the same~~ IT for ~~and on behalf of the~~ ITS
9 owner, ~~thereof,~~ but it ~~shall be no~~ IS NOT embezzlement on the
10 part of ~~such~~ THE agent, servant, employee, trustee, bailee,
11 custodian, attorney-at-law, collector, or other person to retain
12 his OR HER reasonable collection fee on the collection or any
13 other valid interest he ~~may have~~ OR SHE HAS in ~~such~~ THE money
14 or personal property.

15 (3) In ~~any~~ A prosecution under this section, the failure,
16 neglect, or refusal of ~~such~~ THE agent, servant, employee,
17 trustee, bailee, custodian, attorney-at-law, collector, or other
18 person to pay, deliver, or refund to the proper person ~~such~~ THE
19 money or personal property entrusted to his OR HER care, upon
20 demand, ~~shall be~~ IS prima facie proof of intent to embezzle.

21 Sec. 218. (1) ~~Any~~ A person who, with intent to defraud or
22 cheat ~~, shall designedly,~~ AND by color of ~~any~~ A false token
23 or writing, ~~or~~ by ~~any~~ A false or bogus check or other writ-
24 ten, printed, or engraved instrument, by ~~spurious~~ COUNTERFEIT
25 coin or metal ~~in the similitude of~~ THAT IS INTENDED TO SIMULATE
26 A coin, or by any other false pretense ~~, cause any~~ DOES 1 OR

1 MORE OF THE FOLLOWING IS GUILTY OF A CRIME PUNISHABLE AS PROVIDED
2 IN THIS SECTION:

3 (A) CAUSES A person to grant, convey, assign, demise, lease,
4 or mortgage ~~any~~ land or AN interest in land. ~~, or obtain~~

5 (B) OBTAINS the signature of ~~any~~ A person to ~~any~~ A writ-
6 ten instrument, the making ~~whereof~~ OF WHICH would be punishable
7 as forgery. ~~, or obtain~~

8 (C) OBTAINS from ~~any~~ A person any money or personal prop-
9 erty or the use of any instrument, facility, ~~or~~ article, or
10 other valuable thing or service. ~~, or by~~

11 (D) BY means of ~~any false weights or measures obtain~~ A
12 FALSE WEIGHT OR MEASURE OBTAINS a larger amount or quantity of
13 property than was bargained for. ~~, or by~~

14 (E) BY means of ~~any false weights or measures sell or~~
15 ~~dispose~~ A FALSE WEIGHT OR MEASURE SELLS OR DISPOSES of a less
16 amount or quantity of property than was bargained for. ~~, if~~
17 ~~such~~

18 (2) IF THE land, ~~or~~ interest in land, money, personal
19 property, use of ~~such~~ THE instrument, facility, ~~or~~ article,
20 valuable thing, service, larger amount obtained, or less amount
21 disposed of ~~, shall be of the~~ HAS A value of ~~-\$100.00-~~
22 \$1,000.00 or less, ~~shall be~~ THE PERSON IS guilty of a misde-
23 meanor ~~, and if such~~ PUNISHABLE BY IMPRISONMENT FOR NOT MORE
24 THAN 90 DAYS OR A FINE OF NOT MORE THAN \$100.00, OR BOTH. IF THE
25 land, interest in land, money, personal property, use of ~~such~~
26 THE instrument, facility, ~~or~~ article, valuable thing, service,
27 larger amount obtained, or less amount disposed of ~~shall be of~~

1 ~~the~~ HAS A value of more than ~~-\$100.00~~ \$1,000.00, ~~such~~ THE
 2 person ~~shall be~~ IS guilty of a felony ~~—~~ punishable by impris-
 3 onment ~~in the state prison~~ FOR not more than 10 years or by a
 4 fine of not more than \$5,000.00.

5 Sec. 219a. ~~Any~~ A person who knowingly obtains or attempts
 6 to obtain telephone service or the transmission of a telephone
 7 message by ~~the use of any~~ USING A false or fictitious telephone
 8 credit number or telephone number, or by ~~the use of any~~ USING
 9 THE telephone credit number or telephone number of another PERSON
 10 without the authority of the person to whom ~~such~~ THAT TELEPHONE
 11 credit number or telephone number was issued, is guilty of a mis-
 12 demeanor PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR
 13 A FINE OF NOT MORE THAN \$100.00, OR BOTH. If the total value of
 14 telephone service OR TRANSMISSION obtained OR ATTEMPTED TO BE
 15 OBTAINED in ~~a manner prohibited by~~ VIOLATION OF this section
 16 exceeds ~~-\$100.00~~ \$1,000.00, the ~~offense shall be prosecuted as~~
 17 PERSON IS GUILTY OF a felony PUNISHABLE BY IMPRISONMENT FOR NOT
 18 MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN \$2,000.00, OR BOTH.

19 Sec. 356. (1) ~~Any~~ A person who ~~shall commit the offense~~
 20 ~~of~~ COMMITS larceny ~~—~~ by stealing ~~—~~ ~~of~~ FROM the property of
 21 another ~~—~~ PERSON any ~~money~~ OF THE FOLLOWING IS GUILTY OF A
 22 CRIME PUNISHABLE AS PROVIDED IN SUBSECTION (2):

23 (A) MONEY, goods, or chattels. ~~—, or any~~

24 (B) A bank note, bank bill, bond, promissory note, due bill,
 25 bill of exchange or other bill, draft, order, or certificate. ~~—~~
 26 ~~or any~~

(C) A book of accounts for or concerning money or goods due,
~~or~~ to become due, or to be delivered. ~~or any~~

(D) A deed or writing containing a conveyance of land ~~, or~~
~~any~~ OR other valuable contract in force. ~~, or any~~

(E) A receipt, release, or defeasance. ~~, or any~~

(F) A writ, process, or public record. ~~, if~~

(2) IF the property stolen ~~exceed the~~ HAS A value of

~~\$100.00, shall be~~ MORE THAN \$1,000.00, THE PERSON IS guilty of

a felony ~~, punishable by imprisonment in the state prison~~ FOR

not more than 5 years or ~~by~~ A fine of not more than \$2,500.00.

If the property stolen ~~shall be of the~~ HAS A value of ~~\$100.00~~

\$1,000.00 or less, ~~such~~ THE person ~~shall be~~ IS guilty of a

misdemeanor PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS

OR A FINE OF NOT MORE THAN \$100.00, OR BOTH.

Sec. 356c. (1) A person who does any of the following in a

store or in its immediate vicinity is guilty of retail fraud in

the first degree, a felony punishable by imprisonment for not

more than 2 years, or a fine of not more than \$1,000.00, or

both:

(a) While a store is open to the public, alters, transfers,

removes and replaces, conceals, or otherwise misrepresents the

price at which property is offered for sale, with the intent not

to pay for the property or to pay less than the price at which

the property is offered for sale, if the resulting difference in

price is more than ~~\$100.00~~ \$1,000.00.

1 (b) While a store is open to the public, steals property of
 2 the store that is offered for sale at a price of more than
 3 ~~\$100.00~~ \$1,000.00.

4 (c) With intent to defraud, obtains or attempts to obtain
 5 money or property from the store as a refund or exchange for
 6 property that was not paid for and belongs to the store, if the
 7 amount of money, or the value of the property, obtained or
 8 attempted to be obtained is more than ~~\$100.00~~ \$1,000.00.

9 (2) A person who violates section 356d and has 1 or more
 10 prior convictions under this section, section 218, 356, 356d, or
 11 360, or a local ordinance substantially corresponding to this
 12 section or section 218, 356, 356d, or 360 is guilty of retail
 13 fraud in the first degree.

14 (3) A person who commits ~~the crime of~~ retail fraud in the
 15 first degree shall not be prosecuted under the felony provision
 16 of section 356, or under section 218 or 360.

17 Sec. 362a. ~~Any~~ A person to whom a motor vehicle, trailer,
 18 or other tangible property is delivered on a rental or lease
 19 basis under any agreement in writing providing for its return to
 20 a particular place at a particular time who WITH INTENT TO
 21 DEFRAUD THE LESSOR refuses or ~~wilfully~~ WILLFULLY neglects to
 22 return ~~such~~ THE vehicle, trailer, or other tangible property,
 23 after the expiration of the time stated in a notice in writing
 24 proved to have been ~~duly~~ mailed by registered or certified mail
 25 addressed to the last known address of the person who rented or
 26 leased the motor vehicle, trailer, or other tangible property,
 27 ~~and with intent to defraud the lessor,~~ is guilty of larceny.

1 If the vehicle, trailer, or other tangible property ~~exceeds the~~
2 HAS A value of ~~\$100.00 he shall be~~ MORE THAN \$1,000.00, THE
3 PERSON IS guilty of a felony punishable by imprisonment for not
4 more than 2 years, or by a fine of not more than \$1,000.00, or
5 both. If the vehicle, trailer, or other tangible property ~~is of~~
6 ~~the~~ HAS A value of ~~\$100.00~~ \$1,000.00 or less, ~~he shall be~~
7 THE PERSON IS guilty of a misdemeanor PUNISHABLE BY IMPRISONMENT
8 FOR NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN \$100.00, OR
9 BOTH.

10 Sec. 377a. ~~Any~~ A person ~~who~~ shall ~~wilfully~~ NOT
11 WILLFULLY and maliciously destroy or injure the personal property
12 of another PERSON, by ~~any means not particularly mentioned or~~
13 ~~described in the preceding section, if the damage resulting from~~
14 ~~such injury shall exceed \$100.00, shall be~~ A MEANS OTHER THAN A
15 MEANS PROHIBITED BY SECTION 377. IF THE AMOUNT OF THE DESTRUC-
16 TION OR INJURY IS MORE THAN \$1,000.00, THE PERSON IS guilty of a
17 felony PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A
18 FINE OF NOT MORE THAN \$2,000.00, OR BOTH. If the ~~damage done~~
19 ~~shall be \$100.00~~ AMOUNT OF THE DESTRUCTION OR INJURY IS
20 \$1,000.00 or less, ~~such~~ THE person ~~shall be~~ IS guilty of a
21 misdemeanor PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS
22 OR A FINE OF NOT MORE THAN \$100.00, OR BOTH.

23 Sec. 380. ~~Any~~ A person ~~who~~ shall ~~wilfully~~ NOT
24 WILLFULLY and maliciously destroy or injure ~~any~~ A house, barn,
25 or other building of another PERSON, or ~~the~~ ITS appurtenances.
26 ~~thereof, if the damage resulting from such injury shall exceed~~
27 ~~\$100.00, shall be guilty of a felony. If the damage done shall~~

1 ~~be \$100.00~~ IF THE AMOUNT OF THE DESTRUCTION OR THE INJURY IS
 2 MORE THAN \$1,000.00, THE PERSON IS GUILTY OF A FELONY PUNISHABLE
 3 BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE
 4 THAN \$2,000.00, OR BOTH. IF THE AMOUNT OF THE DESTRUCTION OR
 5 INJURY IS \$1,000.00 or less, ~~he shall be~~ THE PERSON IS guilty
 6 of a misdemeanor PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90
 7 DAYS OR A FINE OF NOT MORE THAN \$100.00, OR BOTH.

8 Sec. 387. (1) ~~Any~~ A person, other than the burial right
 9 owner or his OR HER representative, heir at law, or a person
 10 having care, custody, or control of a cemetery ~~by virtue of~~
 11 PURSUANT TO law, A contract, or other legal right, who ~~shall~~
 12 ~~wilfully destroy, mutilate, deface, injure, or remove any~~ DOES 1
 13 OR MORE OF THE FOLLOWING IS GUILTY OF A MISDEMEANOR PUNISHABLE BY
 14 IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN
 15 \$100.00, OR BOTH:

16 (A) WILLFULLY DESTROYS, MUTILATES, DEFACES, INJURES, OR
 17 REMOVES A tomb, monument, gravestone, or other structure or thing
 18 placed or designed for a memorial of the dead, or ~~any~~ A fence,
 19 railing, curb, or other thing intended for the protection or for
 20 the ornament of any tomb, monument, gravestone, or other struc-
 21 ture ~~mentioned~~ DESCRIBED in this subsection ~~,~~ or ~~of~~ any
 22 OTHER enclosure for the burial of the dead. ~~, or who shall wil-~~
 23 ~~fully destroy, mutilate, remove, cut, break, or injure~~

24 (B) WILLFULLY DESTROYS, MUTILATES, REMOVES, CUTS, BREAKS, OR
 25 INJURES any tree, shrub, or plant, ~~placed or being~~ within ~~any~~
 26 ~~such enclosure, is guilty of a misdemeanor~~ AN ENCLOSURE FOR THE
 27 BURIAL OF THE DEAD.

1 (2) Prosecution under ~~this~~ subsection (1) may commence
 2 upon complaint by the burial right owner or his OR HER represen-
 3 tative, heir at law, or person having care, custody, or control
 4 of a cemetery, tomb, monument, gravestone, or other structure or
 5 thing ~~placed or designed for a memorial of the dead, or any~~
 6 ~~fence, railing, curb, or other thing intended for the protection~~
 7 ~~or for the ornament of any tomb, monument, gravestone, or other~~
 8 ~~structure mentioned~~ DESCRIBED in ~~this~~ subsection (1). ~~—, or~~
 9 ~~of any enclosure for the burial of the dead, or tree, shrub, or~~
 10 ~~plant.—~~

11 (3) ~~(2)~~ A person is guilty of a felony punishable by
 12 imprisonment for not more than 5 years or ~~by~~ a fine of not more
 13 than \$2,500.00, or both, if the person does ~~either~~ AN ACT
 14 DESCRIBED IN SUBSECTION (1) TO WHICH 1 OR MORE of the following
 15 APPLY:

16 (a) ~~Does any act described in subsection (1) which~~ THE ACT
 17 causes damage in excess of ~~\$100.00~~ \$1,000.00.

18 (b) ~~Does any act described in subsection (1) which~~ THE ACT
 19 is directed against 2 or more separate burial rights or places
 20 ~~in whatever form~~ for tombs or for the memorial of the dead.

21 Sec. 535. (1) A person ~~who buys, receives, possesses, con-~~
 22 ~~ceals, or aids~~ SHALL NOT BUY, RECEIVE, POSSESS, CONCEAL, OR AID
 23 in the concealment of stolen, embezzled, or converted money,
 24 goods, or property knowing the money, goods, or property ~~to be~~
 25 IS stolen, embezzled, or converted. ~~—, if~~ IF the property pur-
 26 chased, received, possessed, or concealed ~~exceeds the value of~~
 27 ~~\$100.00~~ HAS A VALUE OF MORE THAN \$1,000.00, THE PERSON is guilty

1 of a felony ~~—~~ punishable by imprisonment for not more than 5
 2 years, or ~~by~~ a fine of not more than \$2,500.00, or both. If
 3 the property purchased, received, possessed, or concealed ~~is of~~
 4 HAS a value of ~~—\$100.00—~~ \$1,000.00 or less, the person is guilty
 5 of a misdemeanor PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90
 6 DAYS OR A FINE OF NOT MORE THAN \$100.00, OR BOTH. On a third or
 7 subsequent conviction under this section, the person is guilty of
 8 a felony ~~—~~ punishable by imprisonment for not more than 5
 9 years, or ~~by~~ a fine of not more than \$2,500.00, or both,
 10 ~~although~~ WHETHER OR NOT the ~~value of the~~ property purchased,
 11 received, possessed, or concealed ~~does not exceed \$100.00~~ HAS A
 12 VALUE OF MORE THAN \$1,000.00.

13 (2) A person who is a dealer in or collector of merchandise
 14 or personal property, or the agent, employee, or representative
 15 of a dealer or collector OF MERCHANDISE OR PERSONAL PROPERTY who
 16 fails to ~~make reasonable inquiry that~~ REASONABLY INQUIRE
 17 WHETHER the person selling or delivering the stolen, embezzled,
 18 or converted property to the dealer or collector has a legal
 19 right to do so or who buys or receives stolen, embezzled, or con-
 20 verted property ~~which~~ THAT has a registration, serial, or other
 21 identifying number altered or obliterated on an external surface
 22 of the property, ~~shall be~~ IS presumed to have bought or
 23 received the property knowing the property ~~to be~~ IS stolen,
 24 embezzled, or converted. ~~This~~ THE presumption ~~may be rebutted~~
 25 ~~by proof~~ SET FORTH IN THIS SUBSECTION IS REBUTTABLE.