



# SENATE BILL No. 839

September 21, 1993, Introduced by Senator VAN REGENMORTER  
and referred to the Committee on Judiciary.

A bill to amend sections 356, 362a, 377a, 380, 387, and 535  
of Act No. 328 of the Public Acts of 1931, entitled as amended  
"The Michigan penal code,"  
being sections 750.356, 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 356, 362a, 377a, 380, 387, and 535 of  
2 Act No. 328 of the Public Acts of 1931, being sections 750.356,  
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. 356. (1) ~~Any~~ A person who ~~shall commit the offense~~  
6 ~~of~~ COMMITS larceny ~~—~~ by stealing ~~—of~~ FROM the property of  
7 another ~~—~~ PERSON any ~~money~~ OF THE FOLLOWING IS GUILTY OF A  
8 CRIME PUNISHABLE AS PROVIDED IN SUBSECTIONS (2) TO (4):

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

2 (B) A bank note, bank bill, bond, promissory note, due bill,  
3 bill of exchange or other bill, draft, order, or certificate. ~~—~~  
4 ~~or any~~

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

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

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

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

11 (2) IF the property stolen ~~exceed the~~ HAS A value of  
12 ~~\$100.00, shall be~~ MORE THAN \$1,000.00, THE PERSON IS guilty of  
13 a felony ~~—, punishable by imprisonment in the state prison~~ FOR  
14 not more than 5 years or ~~by~~ A fine of not more than \$2,500.00.

15 (3) If the property stolen ~~shall be of the~~ HAS A value of  
16 ~~\$100.00~~ \$1,000.00 or less BUT MORE THAN \$100.00, ~~such~~ THE  
17 person ~~shall be~~ IS guilty of a misdemeanor PUNISHABLE BY  
18 IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN  
19 \$1,000.00, OR BOTH.

20 (4) IF THE PROPERTY STOLEN HAS A VALUE OF \$100.00 OR LESS,  
21 THE PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT  
22 FOR NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN \$100.00, OR  
23 BOTH.

24 Sec. 362a. (1) ~~Any~~ A person to whom a motor vehicle,  
25 trailer, or other tangible property is delivered on a rental or  
26 lease basis under ~~any~~ A WRITTEN agreement ~~in writing~~  
27 providing for its return to a particular place at a particular

1 time who WITH INTENT TO DEFRAUD THE LESSOR refuses or ~~wilfully~~  
 2 WILLFULLY neglects to return ~~such~~ THE vehicle, trailer, or  
 3 other tangible property ~~—~~ after ~~the~~ expiration of the time  
 4 stated in a WRITTEN notice ~~in writing proved to have been duly~~  
 5 mailed by registered or certified mail addressed to ~~the~~ THAT  
 6 PERSON'S last known address ~~of the person who rented or leased~~  
 7 ~~the motor vehicle, trailer or other tangible property, and with~~  
 8 ~~intent to defraud the lessor,~~ is guilty of larceny PUNISHABLE AS  
 9 PROVIDED IN SUBSECTIONS (2) TO (4).

10 (2) If the vehicle, trailer, or other tangible property  
 11 ~~exceeds the~~ HAS A value of ~~\$100.00 he shall be~~ MORE THAN  
 12 \$1,000.00, THE PERSON IS guilty of a felony punishable by impris-  
 13 onment for not more than 2 years, or by a fine of not more than  
 14 \$1,000.00, or both.

15 (3) If the vehicle, trailer, or other tangible property ~~is~~  
 16 ~~of the~~ HAS A value of ~~\$100.00~~ \$1,000.00 or less BUT MORE THAN  
 17 \$100.00, ~~he shall be~~ THE PERSON IS guilty of a misdemeanor  
 18 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF  
 19 NOT MORE THAN \$1,000.00, OR BOTH.

20 (4) IF THE VEHICLE, TRAILER, OR OTHER TANGIBLE PROPERTY HAS  
 21 A VALUE OF \$100.00 OR LESS, THE PERSON IS GUILTY OF A MISDEMEANOR  
 22 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF  
 23 NOT MORE THAN \$100.00, OR BOTH.

24 Sec. 377a. ~~Any~~ A person who ~~shall wilfully~~ WILLFULLY  
 25 and maliciously ~~destroy or injure~~ DESTROYS OR INJURES the per-  
 26 sonal property of another ~~—, by any means not particularly~~  
 27 ~~mentioned or described in the preceding section, if the damage~~

1 ~~resulting from such injury shall exceed \$100.00, shall be~~ PERSON  
2 IS GUILTY OF A CRIME AS FOLLOWS:

3 (A) IF THE AMOUNT OF THE DESTRUCTION OR INJURY IS MORE THAN  
4 \$1,000.00, THE PERSON IS guilty of a felony PUNISHABLE BY IMPRIS-  
5 ONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN  
6 \$2,000.00, OR BOTH.

7 (B) If the ~~damage done shall be \$100.00~~ AMOUNT OF THE  
8 DESTRUCTION OR INJURY IS \$1,000.00 or less BUT MORE THAN \$100.00,  
9 ~~such~~ THE person ~~shall be~~ IS guilty of a misdemeanor  
10 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF  
11 NOT MORE THAN \$1,000.00, OR BOTH.

12 (C) IF THE AMOUNT OF THE DESTRUCTION OR INJURY IS \$100.00 OR  
13 LESS, THE PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRIS-  
14 ONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN  
15 \$100.00, OR BOTH.

16 Sec. 380. (1) ~~Any~~ A person ~~who~~ shall ~~wilfully~~ NOT  
17 WILLFULLY and maliciously destroy or injure ~~any~~ A house, barn,  
18 or other building of another PERSON, or ~~the~~ ITS appurtenances.  
19 ~~thereof, if the damage resulting from such injury shall exceed~~  
20 ~~\$100.00, shall be guilty of a felony. If the damage done shall~~  
21 ~~be \$100.00~~

22 (2) IF THE AMOUNT OF THE DESTRUCTION OR INJURY IS MORE THAN  
23 \$1,000.00, THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRIS-  
24 ONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN  
25 \$2,000.00, OR BOTH.

26 (3) IF THE AMOUNT OF THE DESTRUCTION OR INJURY IS \$1,000.00  
27 or less BUT MORE THAN \$100.00, ~~he shall be~~ THE PERSON IS guilty

1 of a misdemeanor PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1  
2 YEAR OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.

3 (4) IF THE AMOUNT OF THE DESTRUCTION OR INJURY IS \$100.00 OR  
4 LESS, THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT  
5 FOR NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN \$100.00, OR  
6 BOTH.

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

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

23 (B) WILLFULLY DESTROYS, MUTILATES, REMOVES, CUTS, BREAKS, OR  
24 INJURES any tree, shrub, or plant, ~~placed or being~~ within ~~any~~  
25 ~~such enclosure, is guilty of a misdemeanor~~ AN ENCLOSURE FOR THE  
26 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  
 3 representative, heir at law, or person having care, custody, or  
 4 control of a cemetery, tomb, monument, gravestone, or other  
 5 structure or thing ~~placed or designed for a memorial of the~~  
 6 ~~dead, or any fence, railing, curb, or other thing intended for~~  
 7 ~~the protection or for the ornament of any tomb, monument, grave-~~  
 8 ~~stone, or other structure mentioned~~ DESCRIBED in ~~this~~ subsec-  
 9 tion (1). ~~, or of any enclosure for the burial of the dead, or~~  
 10 ~~tree, shrub, or plant.~~

11       (3) A PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY  
 12 IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF NOT MORE THAN  
 13 \$1,000.00, OR BOTH, IF THE PERSON DOES AN ACT DESCRIBED IN  
 14 SUBSECTION (1) THAT CAUSES DAMAGE OF \$1,000.00 OR LESS BUT MORE  
 15 THAN \$100.00.

16       (4) ~~-(2)-~~ A person is guilty of a felony punishable by  
 17 imprisonment for not more than 5 years or ~~by~~ a fine of not more  
 18 than \$2,500.00, or both, if the person does ~~either~~ AN ACT  
 19 DESCRIBED IN SUBSECTION (1) TO WHICH 1 OR MORE of the following  
 20 APPLY:

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

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

26       Sec. 535. (1) A person ~~who buys, receives, possesses,~~  
 27 ~~conceals, or aids~~ SHALL NOT BUY, RECEIVE, POSSESS, CONCEAL, OR

1 AID in the concealment of stolen, embezzled, or converted money,  
2 goods, or property knowing the money, goods, or property ~~to be~~  
3 IS stolen, embezzled, or converted. ~~— if~~

4 (2) IF the property purchased, received, possessed, or con-  
5 cealed ~~exceeds the value of \$100.00~~ HAS A VALUE OF MORE THAN  
6 \$1,000.00, THE PERSON is guilty of a felony ~~—~~ punishable by  
7 imprisonment for not more than 5 years, or ~~by~~ a fine of not  
8 more than \$2,500.00, or both.

9 (3) If the property purchased, received, possessed, or con-  
10 cealed ~~is of~~ HAS a value of ~~\$100.00~~ \$1,000.00 or less BUT  
11 MORE THAN \$100.00, the person is guilty of a misdemeanor  
12 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF  
13 NOT MORE THAN \$1,000.00, OR BOTH.

14 (4) IF THE PROPERTY PURCHASED, RECEIVED, POSSESSED, OR CON-  
15 CEALD HAS A VALUE OF \$100.00 OR LESS, THE PERSON IS GUILTY OF A  
16 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS  
17 OR A FINE OF NOT MORE THAN \$100.00, OR BOTH.

18 (5) On a third or subsequent conviction under this section,  
19 the person is guilty of a felony ~~—~~ punishable by imprisonment  
20 for not more than 5 years, or ~~by~~ a fine of not more than  
21 \$2,500.00, or both, ~~although~~ WHETHER OR NOT the ~~value of the~~  
22 property purchased, received, possessed, or concealed ~~does not~~  
23 ~~exceed \$100.00~~ HAS A VALUE OF MORE THAN \$1,000.00.

24 (6) ~~—(2)~~ A person who is a dealer in or collector of mer-  
25 chandise or personal property, or the agent, employee, or repre-  
26 sentative of a dealer or collector OF MERCHANDISE OR PERSONAL  
27 PROPERTY who fails to ~~make reasonable inquiry that~~ REASONABLY

1 INQUIRE WHETHER the person selling or delivering the stolen,  
2 embezzled, or converted property to the dealer or collector has a  
3 legal right to do so or who buys or receives stolen, embezzled,  
4 or converted property ~~which~~ THAT has a registration, serial, or  
5 other identifying number altered or obliterated on an external  
6 surface of the property, ~~shall be~~ IS presumed to have bought or  
7 received the property knowing the property ~~to be~~ IS stolen,  
8 embezzled, or converted. This presumption ~~may be rebutted by~~  
9 ~~proof~~ IS REBUTTABLE.