



SENATE BILL No. 1171

May 25, 1994, Introduced by Senators FAXON and SMITH and
referred to the Committee on Judiciary

A bill to amend sections 356c and 356d of Act No 328 of the
Public Acts of 1931, entitled as amended

"The Michigan penal code,"

as added by Act No 20 of the Public Acts of 1988, being sections
750 356c and 750 356d of the Michigan Compiled Laws and to add
section 356e

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Sections 356c and 356d of Act No 328 of the
2 Public Acts of 1931 as added by Act No 20 of the Public Acts of
3 1988, being sections 750 356c and 750 356d of the Michigan
4 Compiled Laws, are amended and section 356e is added to read as
5 follows

6 Sec 356c (1) A person who does any of the following in a
7 store or in its immediate vicinity is guilty of retail fraud in
8 the first degree, a felony punishable by imprisonment for not

1 more than 2 years, or a fine of not more than \$1,000 00, or
2 both

3 (a) While a store is open to the public, alters, transfers,
4 removes and replaces, conceals, or otherwise misrepresents the
5 price at which property is offered for sale, with the intent not
6 to pay for the property or to pay less than the price at which
7 the property is offered for sale, if the resulting difference in
8 price is ~~more than \$100 00~~ \$1,000 00 OR MORE

9 (b) While a store is open to the public, steals property of
10 the store that is offered for sale at a price of ~~more than~~
11 ~~\$100 00~~ \$1,000 00 OR MORE

12 (c) With intent to defraud, obtains or attempts to obtain
13 money or property from the store as a refund or exchange for
14 property that was not paid for and belongs to the store, if the
15 amount of money, or the value of the property, obtained or
16 attempted to be obtained is ~~more than \$100 00~~ \$1,000 00 OR
17 MORE

18 (2) A person who violates section 356d OR 356E and has 1 or
19 more prior convictions under this section, section 218, 356
20 356d, or 360 or a local ordinance substantially corresponding to
21 this section or section 218, 356, 356d, or 360 is guilty of
22 retail fraud in the first degree

23 (3) A person who commits the crime of retail fraud in the
24 first degree shall not be prosecuted under the felony provision
25 of section 356, or under section 218 or 360

26 Sec 356d (1) A person who does any of the following in a
27 store or in its immediate vicinity is guilty of retail fraud in

1 the second degree, a misdemeanor punishable by imprisonment for
2 not more than 93 days, or a fine of not more than ~~-\$100 00-~~
3 \$500 00, or both

4 (a) While a store is open to the public, alters, transfers,
5 removes and replaces, conceals, or otherwise misrepresents the
6 price at which property is offered for sale, with the intent not
7 to pay for the property or to pay less than the price at which
8 the property is offered for sale, IF THE RESULTING DIFFERENCE IN
9 PRICE IS \$100 00 OR MORE BUT LESS THAN \$1,000 00

10 (b) While a store is open to the public, steals property of
11 the store that is offered for sale AT A PRICE OF \$100 00 OR MORE
12 BUT LESS THAN \$1,000 00

13 (c) With intent to defraud, obtains or attempts to obtain
14 money or property from the store as a refund or exchange for
15 property that was not paid for and belongs to the store IF THE
16 AMOUNT OF THE MONEY, OR THE VALUE OF THE PROPERTY, OBTAINED OR
17 ATTEMPTED TO BE OBTAINED IS \$100 00 OR MORE BUT LESS THAN
18 \$1,000 00

19 (2) A person who commits the crime of retail fraud in the
20 second degree shall not be prosecuted under the felony provision
21 of section 356, or under section 218 or 360

22 SEC 356E (1) A PERSON WHO DOES ANY OF THE FOLLOWING IN A
23 STORE OR IN ITS IMMEDIATE VICINITY IS GUILTY OF RETAIL FRAUD IN
24 THE THIRD DEGREE, A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR
25 NOT MORE THAN 93 DAYS, OR A FINE OF NOT MORE THAN \$100 00, OR
26 BOTH

1 (A) WHILE A STORE IS OPEN TO THE PUBLIC ALTERS TRANSFERS,
2 REMOVES AND REPLACES, CONCEALS, OR OTHERWISE MISREPRESENTS THE
3 PRICE AT WHICH PROPERTY IS OFFERED FOR SALE, WITH THE INTENT NOT
4 TO PAY FOR THE PROPERTY OR TO PAY LESS THAN THE PRICE AT WHICH
5 THE PROPERTY IS OFFERED FOR SALE IF THE RESULTING DIFFERENCE IN
6 PRICE IS LESS THAN \$100 00

7 (B) WHILE A STORE IS OPEN TO THE PUBLIC, STEALS PROPERTY OF
8 THE STORE THAT IS OFFERED FOR SALE AT A PRICE OF LESS THAN
9 \$100 00

10 (C) WITH INTENT TO DEFRAUD, OBTAINS OR ATTEMPTS TO OBTAIN
11 MONEY OR PROPERTY FROM THE STORE AS A REFUND OR EXCHANGE FOR
12 PROPERTY THAT WAS NOT PAID FOR AND BELONGS TO THE STORE IF THE
13 AMOUNT OF THE MONEY, OR THE VALUE OF THE PROPERTY, OBTAINED OR
14 ATTEMPTED TO BE OBTAINED IS LESS THAN \$100 00

15 (2) A PERSON WHO COMMITS THE CRIME OF RETAIL FRAUD IN THE
16 THIRD DEGREE SHALL NOT BE PROSECUTED UNDER THE FELONY PROVISION
17 OF SECTION 356 OR UNDER SECTION 218 OR 360

18 Section 2 This amendatory act shall not take effect unless
19 all of the following bills of the 87th Legislature are enacted
20 into law

21 (a) Senate Bill No 1170

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23 (b) Senate Bill No 1169

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25 (c) Senate Bill No 1168

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1 (d) Senate Bill No 1167

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