

HOUSE BILL No. 5536

February 4, 1998, Introduced by Reps. Brater, Baird, Schauer, Schroer, Cherry, Kaza, Dalman, Scott, Parks and Richner and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 356e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 356E. (1) A PERSON SHALL NOT REMOVE, DAMAGE, OR
2 DESTROY 5 OR MORE COPIES OF A PERIODICAL FROM ANY LOCATION OR
3 COMBINATION OF LOCATIONS AT WHICH THEY ARE OFFERED FREE OF CHARGE
4 BY ANOTHER PERSON FOR REVIEW BY MEMBERS OF THE PUBLIC WITH THE
5 INTENT TO DEPRIVE ANY OTHER MEMBER OF THE PUBLIC THE OPPORTUNITY
6 TO REVIEW ANY INFORMATION CONTAINED IN THAT PERIODICAL.
7 (2) SUBSECTION (1) DOES NOT PROHIBIT A PROPERTY OWNER OR HIS
8 OR HER AGENT FROM REMOVING, DAMAGING, OR DESTROYING COPIES OF A
9 PERIODICAL THAT WERE PLACED ON THAT PROPERTY WITHOUT THE CONSENT
10 OF THE OWNER OR HIS OR HER AGENT OR FROM REMOVING, DAMAGING, OR
11 DESTROYING COPIES OF A PERIODICAL FROM THAT PROPERTY AFTER THE

1 OWNER OR HIS OR HER AGENT HAS INSTRUCTED THE OWNER OF THE COPIES
2 OR HIS OR HER AGENT TO REMOVE THEM FROM THAT PROPERTY.

3 (3) IT IS A REBUTTABLE PRESUMPTION IN A CRIMINAL PROSECUTION
4 FOR A VIOLATION OF THIS SECTION THAT IF THE INDIVIDUAL REMOVED,
5 DAMAGED, OR DESTROYED MORE THAN 100 COPIES OF A PERIODICAL THAT
6 HE OR SHE DID SO WITH THE INTENT TO DEPRIVE OTHER MEMBERS OF THE
7 PUBLIC THE OPPORTUNITY TO REVIEW INFORMATION CONTAINED IN THAT
8 PERIODICAL.

9 (4) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDE-
10 MEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A
11 FINE OF NOT MORE THAN \$100.00, OR BOTH.