

HOUSE BILL No. 4698

May 18, 1999, Introduced by Reps. Hale, Bogardus, Vaughn, Jamnick, Spade, DeHart, Basham, Wojno, Pappageorge, Thomas and Brewer and referred to the Committee on Criminal Law and Corrections.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending sections 412, 413, 415, 416, and 535a (MCL 750.412, 750.413, 750.415, 750.416, and 750.535a), section 535a as amended by 1988 PA 140, and by adding section 535c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 412. ~~Definition--The term "motor vehicle" as~~ AS used
2 in this chapter: ~~shall include all vehicles--~~

3 (A) "MAJOR COMPONENT PART" MEANS THAT TERM AS DEFINED IN
4 SECTION 535A.

5 (B) EXCEPT AS OTHERWISE PROVIDED, "MOTOR VEHICLE" MEANS ANY
6 VEHICLE impelled on the ~~public~~ highways ~~of this state~~ by
7 mechanical power, except traction engines, road rollers, and
8 ~~such~~ vehicles ~~as~~ THAT run only upon rails or tracks.

1 Sec. 413. (1) ~~Taking possession of and driving away a~~
2 ~~motor vehicle--Any~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,
3 A person who ~~shall, wilfully~~ WILLFULLY and without authority
4 ~~, take~~ TAKES possession of and ~~drive~~ DRIVES or ~~take~~ TAKES
5 away ~~, and any person shall assist in or be a party to such~~
6 ~~taking possession, driving or taking away of any motor vehicle,~~
7 ~~belonging to another, shall be~~ A MOTOR VEHICLE BELONGING TO
8 ANOTHER PERSON IS guilty of a felony ~~,~~ punishable by imprison-
9 ment ~~in the state prison~~ for not more than 5 years OR A FINE OF
10 NOT MORE THAN \$20,000.00, OR BOTH.

11 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON
12 WHO STEALS OR ATTEMPTS TO STEAL A MAJOR COMPONENT PART IS GUILTY
13 OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 5 YEARS
14 OR A FINE OF NOT MORE THAN \$20,000.00, OR BOTH.

15 (3) A SECOND CONVICTION UNDER THIS SECTION IS PUNISHABLE BY
16 IMPRISONMENT FOR NOT MORE THAN 7 YEARS OR A FINE OF NOT MORE THAN
17 \$20,000.00, OR BOTH.

18 (4) A THIRD OR SUBSEQUENT CONVICTION UNDER THIS SECTION IS
19 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 10 YEARS OR A FINE
20 OF NOT MORE THAN \$20,000.00, OR BOTH.

21 (5) AS USED IN THIS SECTION, "MOTOR VEHICLE" MEANS THAT TERM
22 AS DEFINED IN SECTION 535A.

23 Sec. 415. (1) A person who, without the intent to mislead
24 another PERSON as to the identity of the vehicle, conceals or
25 misrepresents the identity of a motor vehicle, MAJOR COMPONENT
26 PART, or ~~of a~~ mechanical device, by ~~removing or defacing the~~
27 ~~manufacturer's serial number or the engine or motor number on the~~

~~1 motor vehicle, or by replacing a part of the motor vehicle or~~
~~2 mechanical device bearing the serial number or engine or motor~~
~~3 number of the vehicle with a new part, upon which the proper~~
~~4 serial number or engine or motor number has not been stamped,~~
5 DOING ANY OF THE FOLLOWING is guilty of a misdemeanor PUNISHABLE
6 BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE
7 THAN \$100.00, OR BOTH:

8 (A) REMOVING OR DEFACING THE MANUFACTURER'S SERIAL NUMBER,
9 THE ENGINE OR MOTOR NUMBER, OR ANY OTHER NUMBER PLACED ON THE
10 MOTOR VEHICLE, MAJOR COMPONENT PART, OR MECHANICAL DEVICE BY THE
11 MANUFACTURER TO IDENTIFY THE MOTOR VEHICLE, MAJOR COMPONENT PART,
12 OR MECHANICAL DEVICE.

13 (B) REPLACING A PART OF THE MOTOR VEHICLE, MAJOR COMPONENT
14 PART, OR MECHANICAL DEVICE BEARING THE SERIAL NUMBER, THE ENGINE
15 OR MOTOR NUMBER, OR ANY OTHER NUMBER PLACED ON THE MOTOR VEHICLE,
16 MAJOR COMPONENT PART, OR MECHANICAL DEVICE BY THE MANUFACTURER TO
17 IDENTIFY THE MOTOR VEHICLE, MAJOR COMPONENT PART, OR MECHANICAL
18 DEVICE WITH A NEW OR REPLACEMENT PART UPON WHICH THE SERIAL
19 NUMBER, ENGINE OR MOTOR NUMBER, OR OTHER NUMBER DESCRIBED IN THIS
20 SUBDIVISION HAS NOT BEEN STAMPED.

21 (2) A person who, with the intent to mislead another as to
22 the identity of a vehicle, ~~conceals or misrepresents the iden-~~
23 ~~tity of a motor vehicle or of a mechanical device, by removing or~~
24 ~~defacing the manufacturer's serial number or the engine or motor~~
25 ~~number on the motor vehicle, or by replacing a part of the motor~~
26 ~~vehicle or mechanical device bearing the serial number or engine~~
27 ~~or motor number of the vehicle, with a new part, upon which the~~

1 ~~proper serial number or engine or motor number has not been~~
2 ~~stamped,~~ DOES AN ACT DESCRIBED IN SUBSECTION (1)(A) OR (B) is
3 guilty of a felony ~~, and if the person is a licensed dealer, the~~
4 ~~license shall be revoked~~ PUNISHABLE BY IMPRISONMENT FOR NOT MORE
5 THAN 5 YEARS OR A FINE OF NOT MORE THAN \$20,000.00, OR BOTH.

6 (3) In all prosecutions under this section, possession ~~by a~~
7 ~~person~~ of a motor vehicle, MAJOR COMPONENT PART, or ~~of a~~
8 mechanical device with the manufacturer's serial number, ~~or the~~
9 engine or motor number, OR OTHER NUMBER DESCRIBED IN
10 SUBSECTION (1) removed, defaced, destroyed, or altered or with a
11 part bearing ~~the~~ A number ~~or numbers~~ replaced by ~~one~~ 1 on
12 which the proper number does not appear ~~, shall be~~ IS prima
13 facie evidence of A violation of this section.

14 (4) If the identification of a motor vehicle, MAJOR COMPO-
15 NENT PART, or ~~a~~ mechanical device has been removed, defaced, or
16 altered as ~~provided~~ DESCRIBED in this section ~~, and the real~~
17 identity of the motor vehicle, MAJOR COMPONENT PART, or mechani-
18 cal device cannot be determined, the motor vehicle, MAJOR COMPO-
19 NENT PART, or mechanical device ~~shall be~~ IS subject to confis-
20 cation by the state ~~, and shall~~ MAY be DESTROYED OR sold at
21 public auction. ~~If the items are confiscated from a licensed~~
22 ~~vehicle dealer, the dealer's license shall be revoked.~~

23 (5) AS USED IN THIS SECTION, "MOTOR VEHICLE" MEANS THAT TERM
24 AS DEFINED IN SECTION 535A.

25 Sec. 416. (1) ~~Damaging or unauthorized tampering or meddl-~~
26 ~~ing with motor vehicle--Any~~ A person ~~shall be~~ WHO DOES ANY OF
27 THE FOLLOWING IS guilty of a ~~misdemeanor, who shall~~ FELONY

1 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR A FINE OF
2 NOT MORE THAN \$1,000.00, OR BOTH:

3 (A) Intentionally and without THE OWNER'S authority ~~from~~
4 ~~the owner, start or cause~~ STARTS OR CAUSES to be started the
5 motor of any motor vehicle. ~~, or maliciously shift or change~~

6 (B) MALICIOUSLY SHIFTS OR CHANGES the starting device or
7 gears of a standing motor vehicle to a position other than that
8 in which it was left by the MOTOR VEHICLE'S owner or driver. ~~of~~
9 ~~said motor vehicle; or~~

10 ~~Intentionally cut, mark, scratch or damage the chassis, run-~~
11 ~~ning gear, body, sides, top, covering or upholstering of any~~
12 ~~motor vehicle, the property of another, or intentionally cut,~~
13 ~~mash, mark, destroy or damage such motor vehicle, or any of the~~
14 ~~accessories, equipment, appurtenances or attachments thereof, or~~
15 ~~any spare or extra parts thereon being or thereto attached, with-~~
16 ~~out the permission of the owner thereof; or~~

17 (C) Intentionally ~~release~~ RELEASES the brake upon ~~any~~ A
18 standing motor vehicle ~~,~~ with intent to ~~injure said machine~~
19 DAMAGE IT or cause ~~the same~~ IT to be removed without the
20 OWNER'S consent. ~~of the owner: Provided, That this~~

21 (2) A PERSON WHO INTENTIONALLY AND WITHOUT THE OWNER'S
22 AUTHORITY BREAKS, CUTS, MARKS, SCRATCHES, DESTROYS, OR OTHERWISE
23 DAMAGES A MOTOR VEHICLE OR ANY MAJOR COMPONENT PART, EQUIPMENT,
24 ACCESSORY, ATTACHMENT, OR OTHER PART OF A MOTOR VEHICLE IS GUILTY
25 OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 2 YEARS
26 OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.

1 (3) THIS section ~~shall~~ DOES not apply ~~in case of~~ TO
2 moving or starting ~~of~~ A motor ~~vehicles~~ VEHICLE by ~~the~~
3 ~~police~~ A LAW ENFORCEMENT OFFICER under ~~authority of~~ A local
4 ordinance or by members of fire departments in case of emergency
5 in the vicinity of a fire.

6 (4) AS USED IN THIS SECTION, "MOTOR VEHICLE" MEANS THAT TERM
7 AS DEFINED IN SECTION 535A.

8 Sec. 535a. (1) As used in this section AND SECTION 535C:

9 (a) "Bona fide purchaser for value" means a person who pur-
10 chases property for value in good faith and without notice of any
11 adverse claim to the property.

12 (b) "Chop shop" means any area, building, storage lot,
13 field, or any other premises or place where 1 or more persons are
14 engaged or have engaged in altering, dismantling, reassembling,
15 or in any way concealing or disguising the identity of a stolen
16 motor vehicle or ~~of any~~ A major component part of a stolen
17 motor vehicle ~~;~~ or ~~any area, building, storage lot, field, or~~
18 ~~any other premises or place~~ where ~~there are~~ 3 or more stolen
19 motor vehicles ~~present or where there are~~ OR major component
20 parts from 3 or more stolen motor vehicles ARE present.

21 (c) "CONVERTED MAJOR COMPONENT PART" MEANS A MAJOR COMPONENT
22 PART THAT HAS BEEN THE SUBJECT OF A FALSE OR FRAUDULENT CLAIM TO
23 AN INSURANCE COMPANY.

24 (d) "CONVERTED MOTOR VEHICLE" MEANS A MOTOR VEHICLE THAT HAS
25 BEEN THE SUBJECT OF A FALSE OR FRAUDULENT CLAIM TO AN INSURANCE
26 COMPANY.

1 (E) ~~(c)~~ "Major component part" means ~~1~~ ANY of the
2 following parts of a motor vehicle:

3 (i) The engine.

4 (ii) The transmission.

5 (iii) The right or left front fender.

6 (iv) The hood.

7 (v) A door allowing entrance to or egress from the VEHICLE'S
8 passenger compartment. ~~of the vehicle.~~

9 (vi) The front or rear bumper.

10 (vii) The right or left rear quarter panel.

11 (viii) The deck lid, tailgate, or hatchback.

12 (ix) The trunk floor pan.

13 (x) The cargo box of a pickup.

14 (xi) The frame ~~,~~ or, if the vehicle has a unitized body,
15 the supporting structure or structures ~~which~~ THAT serve as the
16 frame.

17 (xii) The cab of a truck.

18 (xiii) The body of a passenger vehicle.

19 (xiv) AN AIR BAG.

20 (xv) THE TRANSFER CASE.

21 (xvi) A WHEEL.

22 (xvii) ~~(xiv)~~ Any other part of a motor vehicle ~~which~~ the
23 secretary of state determines is comparable in design or function
24 to any of the parts listed in subparagraphs (i) to ~~(xiii)~~
25 (xvi).

26 (F) ~~(d)~~ "Motor vehicle" means a device in, upon, or by
27 which a person or property is or may be transported or drawn upon

1 a highway that is self-propelled or that may be connected to and
2 towed by a self-propelled device ~~, and~~ OR a land-based device
3 that is self-propelled but ~~is~~ not designed for use upon a high-
4 way, including, but not limited to, farm machinery ~~,~~ OR a bull-
5 dozer, ~~and a~~ steam shovel, OR OTHER HEAVY CONSTRUCTION
6 EQUIPMENT.

7 (2) Except as provided in ~~subsection~~ SUBSECTIONS (3) AND
8 (4), a person who knowingly owns, operates, or conducts a chop
9 shop or who knowingly aids and abets another person in owning,
10 operating, or conducting a chop shop is guilty of a felony ~~,~~
11 punishable by imprisonment for not more than 5 years ~~,~~ or ~~by~~
12 a fine of not LESS THAN \$10,000.00 OR more than ~~\$5,000.00~~
13 \$100,000.00, or both.

14 (3) Upon a second ~~or subsequent~~ conviction under this sec-
15 tion, the person convicted may be imprisoned for not more than
16 ~~5~~ 10 years and shall be fined not less than \$10,000.00 OR MORE
17 THAN \$100,000.00, OR BOTH.

18 (4) IF A PERSON CONVICTED UNDER THIS SECTION HAS 2 OR MORE
19 PRIOR CONVICTIONS FOR VIOLATIONS OR ATTEMPTED VIOLATIONS OF THIS
20 SECTION OR SECTION 413, 414, 415, 535, OR 535C, THE PERSON MAY BE
21 PUNISHED BY IMPRISONMENT FOR NOT MORE THAN 20 YEARS OR A FINE OF
22 NOT LESS THAN \$10,000.00 OR MORE THAN \$100,000.00, OR BOTH.

23 (5) ~~(4)~~ A person ~~who violates~~ CONVICTED OF VIOLATING
24 this section ~~,~~ ~~upon conviction, in addition to any other~~
25 ~~punishment,~~ may be ordered to make restitution to the rightful
26 owner of a stolen motor vehicle or ~~of~~ a stolen major component
27 part, or to the owner's insurer if the owner has already been

1 compensated for the loss by the insurer, for any financial loss
2 sustained as a result of the theft of the motor vehicle or a
3 major component part. Restitution may be imposed in addition to,
4 but not instead of, any imprisonment or fine imposed.

5 (6) ~~(5)~~ All of the following are subject to seizure and,
6 if a person is charged with a violation or attempted violation of
7 subsection (2) and ~~is~~ convicted of a violation or attempted
8 violation of subsection (2) or section 415, 416, 535, or 536a,
9 ~~all of the following are~~ subject to forfeiture:

10 (a) An engine, tool, machine, implement, device, chemical,
11 or substance used or designed for altering, DESTROYING,
12 SECRETING, dismantling, reassembling, or in any other way con-
13 cealing or disguising the identity of a stolen OR CONVERTED motor
14 vehicle or ~~any~~ major component part.

15 (b) A stolen OR CONVERTED motor vehicle or major component
16 part found at ~~the site of~~ a chop shop or a motor vehicle or
17 major component part for which there is probable cause to believe
18 that it is stolen.

19 (c) A wrecker, car hauler, or any other motor vehicle that
20 is ~~used~~ BEING or has been used to convey or transport a stolen
21 OR CONVERTED motor vehicle or major component part.

22 (d) Books, records, money, negotiable instruments, or other
23 personal property or real property THAT ARE BEING OR HAVE BEEN
24 USED IN A CHOP SHOP OPERATION, except real property that is the
25 primary residence of the spouse or a dependent child of the
26 owner. ~~, that is or has been used in a chop shop operation.~~

1 (7) ~~-(6)-~~ Except as provided in subsection ~~-(7)-~~ (8),
2 property described in subsection ~~-(5)-~~ (6) may be seized by a
3 state or local law enforcement agency upon process issued by the
4 recorder's court of the city of Detroit or the district or cir-
5 cuit court having jurisdiction over the property. Seizure with-
6 out process may be made in any of the following cases:

7 (a) The seizure is incident to an arrest or pursuant to a
8 search warrant or an inspection under an administrative inspec-
9 tion warrant.

10 (b) The property subject to seizure has been the subject of
11 a prior judgment in favor of this state in a forfeiture proceed-
12 ing based upon this section.

13 (c) Exigent circumstances exist that preclude ~~the~~ obtain-
14 ing ~~of~~ process and there is probable cause to believe ~~that~~
15 the property was used or is intended to be used in violation of
16 this section.

17 (8) ~~-(7)- In order to retain, pending the forfeiture~~
18 ~~hearing,~~ TO RETAIN property for which seizure and forfeiture is
19 sought under this section PENDING THE FORFEITURE HEARING, a
20 licensed used or secondhand vehicle parts dealer or the owner may
21 post a bond in the amount of 1-1/2 times the value of the
22 property. This subsection does not apply to a motor vehicle or
23 major component part that is to be used as evidence in a criminal
24 proceeding.

25 (9) ~~-(8)- In the event of~~ FOR a seizure of property other
26 than real property pursuant to subsection ~~-(6)-~~ (7), the seizing

1 law enforcement agency shall do 1 or more of the following,
2 subject to subsection ~~-(9)-~~ (10):

3 (a) Place the property under seal.

4 (b) Remove the property to a designated storage area.

5 (c) Petition the recorder's court of the city of Detroit or
6 the district or circuit court to appoint a custodian to take cus-
7 tody of the property and to remove it to an appropriate location
8 for disposition in accordance with law.

9 (10) ~~-(9)-~~ If property is seized without process under
10 subsection ~~-(6)-~~ (7), ~~within 14 days after the seizure,~~ the
11 seizing agency shall return the property to the person from whom
12 it was seized WITHIN 14 DAYS AFTER THE SEIZURE unless a hearing
13 has been scheduled to determine whether the seizure was proper
14 and reasonable notice of the hearing has been given.

15 ~~-(10)- The rightful owner of any property under~~
16 ~~subsection (5) that is to be forfeited shall be served notice at~~
17 ~~least 10 days before the matter is to be heard regarding the for-~~
18 ~~feiture, and if the rightful owner did not know of and did not~~
19 ~~consent to the commission of the crime, the property shall be~~
20 ~~returned to the rightful owner. If the rightful owner of the~~
21 ~~property is not known or cannot be found, notice may be served by~~
22 ~~publishing notice of the forfeiture hearing not less than 10 days~~
23 ~~before the date of the hearing in a newspaper of general circula-~~
24 ~~tion in the county where the hearing is to be held. The notice~~
25 ~~shall contain a general description of the property and any~~
26 ~~serial or registration numbers on the property.~~

1 (11) IF PROPERTY IS SEIZED UNDER SUBSECTION (7), FORFEITURE
2 PROCEEDINGS SHALL BE INSTITUTED PROMPTLY. IF SEIZURE IS MADE
3 WITHOUT PROCESS AS PROVIDED UNDER SUBSECTION (7) AND THE TOTAL
4 VALUE OF THE PROPERTY SEIZED DOES NOT EXCEED \$100,000.00, THE
5 FOLLOWING PROCEDURE SHALL BE USED:

6 (A) THE LOCAL UNIT OF GOVERNMENT SEIZING THE PROPERTY OR, IF
7 THE PROPERTY IS SEIZED BY THE STATE, THE STATE SHALL CAUSE NOTICE
8 OF THE SEIZURE AND THE INTENTION TO FORFEIT AND DISPOSE OF THE
9 PROPERTY ACCORDING TO THIS SECTION TO BE GIVEN TO THE PROPERTY'S
10 OWNER BY DELIVERING THE NOTICE TO THE OWNER OR SENDING THE NOTICE
11 TO THE OWNER BY CERTIFIED MAIL. IF THE OWNER'S NAME AND ADDRESS
12 ARE NOT REASONABLY ASCERTAINABLE, OR DELIVERY OF THE NOTICE
13 CANNOT REASONABLY BE ACCOMPLISHED, THE NOTICE SHALL BE PUBLISHED
14 IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY IN WHICH THE
15 PROPERTY WAS SEIZED FOR 10 SUCCESSIVE PUBLISHING DAYS.

16 (B) WITHIN 20 DAYS AFTER RECEIVING THE NOTICE OR OF THE DATE
17 OF THE FIRST PUBLICATION OF THE NOTICE, A PERSON CLAIMING AN
18 INTEREST IN PROPERTY THAT IS THE SUBJECT OF THE NOTICE MAY FILE A
19 CLAIM WITH THE LOCAL UNIT OF GOVERNMENT OR THE STATE EXPRESSING
20 HIS OR HER INTEREST IN THE PROPERTY. THE LOCAL UNIT OF GOVERN-
21 MENT OR THE STATE SHALL TRANSMIT THE CLAIM WITH A LIST AND
22 DESCRIPTION OF THE PROPERTY SEIZED TO THE ATTORNEY GENERAL, THE
23 PROSECUTING ATTORNEY FOR THE COUNTY, OR THE ATTORNEY FOR THE
24 LOCAL UNIT OF GOVERNMENT IN WHICH THE SEIZURE WAS MADE. THE
25 ATTORNEY GENERAL, PROSECUTING ATTORNEY, OR ATTORNEY FOR THE LOCAL
26 UNIT OF GOVERNMENT SHALL PROMPTLY INSTITUTE FORFEITURE
27 PROCEEDINGS AFTER THE 20-DAY PERIOD EXPIRES.

1 (C) IF NO CLAIM IS FILED WITHIN THE 20-DAY PERIOD AS
2 DESCRIBED IN SUBDIVISION (B), THE LOCAL UNIT OF GOVERNMENT OR THE
3 STATE SHALL DECLARE THE PROPERTY FORFEITED AND SHALL DISPOSE OF
4 THE PROPERTY ACCORDING TO SUBSECTIONS (13) AND (14).

5 (12) ~~(11)~~ A forfeiture of property encumbered by a bona
6 fide security interest is subject to the interest of the secured
7 party who neither had knowledge of nor consented to the act or
8 omission in violation of this section.

9 (13) ~~(12)~~ Any STOLEN property seized under subsection ~~(6)~~
10 ~~that was stolen~~ (7) shall be returned to its rightful owner if
11 that ownership can be established to the satisfaction of the
12 seizing law enforcement agency. Any stolen property ~~that is~~
13 unclaimed after seizure may be sold pursuant to law.

14 (14) ~~(13)~~ Any property forfeited under this section may be
15 sold pursuant to an order of the court. The proceeds of the sale
16 shall be distributed by the court having jurisdiction over the
17 forfeiture proceeding to the entity having budgetary authority
18 over the seizing law enforcement agency. If more than 1 law
19 enforcement agency was substantially involved in effecting the
20 forfeiture, the court having jurisdiction over the forfeiture
21 proceeding shall distribute equitably the proceeds of the sale
22 among the entities having budgetary authority over the seizing
23 law enforcement agencies. Twenty-five percent of the money
24 received by an entity under this subsection shall be used to
25 enhance law enforcement efforts pertaining to this section.

1 (15) ~~(14)~~ This section does not apply to a person who is a
2 bona fide purchaser for value of the motor vehicle or major
3 component parts. ~~described in subsection (1).~~

4 SEC. 535C. (1) A PERSON WHO KNOWS THAT A MOTOR VEHICLE IS
5 STOLEN OR CONTAINS 1 OR MORE STOLEN OR CONVERTED MAJOR COMPONENT
6 PARTS AND WHO BUYS, RECEIVES, POSSESSES, CONCEALS, OR AIDS IN THE
7 CONCEALMENT OF THAT MOTOR VEHICLE IS GUILTY OF A FELONY PUNISH-
8 ABLE BY IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR A FINE OF NOT
9 MORE THAN \$5,000.00, OR BOTH.

10 (2) A SECOND CONVICTION UNDER THIS SECTION IS PUNISHABLE BY
11 IMPRISONMENT FOR NOT MORE THAN 7 YEARS OR A FINE OF NOT MORE THAN
12 \$10,000.00, OR BOTH.

13 (3) A PERSON WHO IS CONVICTED UNDER THIS SECTION AND HAS 2
14 OR MORE PRIOR CONVICTIONS FOR VIOLATIONS OR ATTEMPTED VIOLATIONS
15 OF THIS SECTION OR SECTION 413, 414, 415, 535, OR 535A MAY BE
16 PUNISHED BY IMPRISONMENT FOR NOT MORE THAN 10 YEARS OR A FINE OF
17 NOT MORE THAN \$20,000.00, OR BOTH.

18 Enacting section 1. This amendatory act takes effect
19 January 1, 2000.

20 Enacting section 2. This amendatory act does not take
21 effect unless all of the following bills of the 90th Legislature
22 are enacted into law:

23 (a) Senate Bill No. _____ or House Bill No. _____
24 (request no. 00595'99 a).

25 (b) Senate Bill No. _____ or House Bill No. _____
26 (request no. 00595'99 b).