

HOUSE BILL No. 5964

April 25, 2006, Introduced by Reps. Ball, Brown, Acciavatti, Jones and Marleau and referred to the Committee on Government Operations.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 491 (MCL 750.491).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 491. **(1)** All official books, papers, or records created
2 by or received in any office or agency of the state of Michigan or
3 its political subdivisions, **INCLUDING ANY BOOKS, PAPERS, OR RECORDS**
4 **CREATED, GENERATED, SENT, COMMUNICATED, RECEIVED, OR STORED BY**
5 **ELECTRONIC MEANS**, are ~~declared to be~~ public property, ~~belonging~~
6 **AND BELONG** to the people of the state of Michigan. All books,
7 papers, or records shall be disposed of only as provided in
8 ~~section 13e of Act No. 51 of the Public Acts of the First Extra~~
9 ~~Session of 1948, as added, being section 18.13e of the Compiled~~

~~Laws of 1948, section 5 of Act No. 271 of the Public Acts of 1913,~~
~~as amended, being section 399.5 of the Compiled Laws of 1948 and~~
~~sections 2137 and 2138 of Act No. 236 of the Public Acts of 1961,~~
~~being sections 600.2137 and 600.2138 of the Compiled Laws of 1948~~
SECTIONS 201, 285, 287, AND 289 OF THE MANAGEMENT AND BUDGET ACT,
1984 PA 431, MCL 18.1201, 18.1285, 18.1287, AND 18.1289, SECTION 5
OF 1913 PA 271, MCL 399.5, AND SECTIONS 2137 AND 2138 OF THE
REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.2137 AND
600.2138.

(2) Any person who ~~shall wilfully carry away, mutilate or~~
~~destroy any of such~~ **WILLFULLY CARRIES AWAY, MUTILATES, OR DESTROYS**
ANY OFFICIAL books, papers, records, or any part of the same, ~~and~~
~~any person who shall retain and continue~~ **OR WHO RETAINS OR**
CONTINUES to hold the possession of any **OFFICIAL** books, papers, or
records, or parts ~~thereof~~ **OF THE SAME**, belonging to the
~~aforesaid offices and shall refuse~~ **STATE AND REFUSES** to deliver up
~~such~~ **THOSE** books, papers, records, or parts ~~thereof~~ **OF THE SAME**
to the ~~proper~~ **REQUESTING** officer having charge of the office to
which ~~such~~ **THOSE** books, papers, or records belong, ~~upon demand~~
~~being made by such officer or,~~ in cases of a defunct office, the
Michigan historical commission, ~~shall be~~ **IS** guilty of a
misdemeanor ~~—~~ punishable by imprisonment in the state prison **FOR**
not more than 2 years or by a fine of not more than \$1,000.00.