

Act No. 233
Public Acts of 2006
Approved by the Governor
June 24, 2006
Filed with the Secretary of State
June 26, 2006
EFFECTIVE DATE: July 1, 2006

**STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 2006**

Introduced by Senators Kuipers, Van Woerkom, Allen, Birkholz, McManus and Jelinek

ENROLLED SENATE BILL No. 816

AN ACT to amend 1931 PA 328, entitled "An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," (MCL 750.1 to 750.568) by adding section 498b.

The People of the State of Michigan enact:

Sec. 498b. (1) Except as provided in subsection (2), a person who, without lawful authority, tampers with, takes, or removes a marine safety device owned or maintained by this state or a political subdivision of this state knowing or having reason to know that the device is a marine safety device is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$1,000.00, or both.

(2) A person who, without lawful authority, tampers with, takes, or removes a marine safety device owned or maintained by this state or a political subdivision of this state knowing or having reason to know that the device is a marine safety device, and thereby renders the device unavailable or unusable for rescue when needed is guilty of a crime as follows:

(a) If the violation is the proximate cause of serious impairment of a body function of another person, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not less than \$1,000.00 or more than \$5,000.00, or both imprisonment and a fine.

(b) If the violation is the proximate cause of the death of another person, the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not less than \$2,500.00 or more than \$10,000.00, or both imprisonment and a fine.

(3) As used in this section:

(a) "Marine safety device" means a device designed or intended to be used to rescue individuals in marine emergency situations, including, but not limited to, life preservers, safety harnesses, ladders, lines, and throw rings.

(b) "Serious impairment of a body function" means that term as defined in section 58c of the Michigan vehicle code, 1949 PA 300, MCL 257.58c.

Enacting section 1. This amendatory act takes effect July 1, 2006.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Gay E. Randall

Clerk of the House of Representatives

Approved _____

Governor