

**SUBSTITUTE FOR
SENATE BILL NO. 1114**

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 356 (MCL 750.356), as amended by 1998 PA 311.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 356. (1) A person who commits larceny by stealing any of
2 the following property of another person is guilty of a crime as
3 provided in this section:

4 (a) Money, goods, or chattels.

5 (b) A bank note, bank bill, bond, promissory note, due bill,
6 bill of exchange or other bill, draft, order, or certificate.

7 (c) A book of accounts for or concerning money or goods due,
8 to become due, or to be delivered.

9 (d) A deed or writing containing a conveyance of land or other

1 valuable contract in force.

2 (e) A receipt, release, or defeasance.

3 (f) A writ, process, or public record.

4 **(G) NONFERROUS METAL.**

5 (2) If any of the following apply, the person is guilty of a
6 felony punishable by imprisonment for not more than 10 years or a
7 fine of not more than \$15,000.00 or 3 times the value of the
8 property stolen, whichever is greater, or both imprisonment and a
9 fine:

10 (a) The property stolen has a value of \$20,000.00 or more.

11 (b) The person violates subsection (3)(a) and has 2 or more
12 prior convictions for committing or attempting to commit an offense
13 under this section. For purposes of this subdivision, however, a
14 prior conviction does not include a conviction for a violation or
15 attempted violation of subsection (4)(b) or (5).

16 (3) If any of the following apply, the person is guilty of a
17 felony punishable by imprisonment for not more than 5 years or a
18 fine of not more than \$10,000.00 or 3 times the value of the
19 property stolen, whichever is greater, or both imprisonment and a
20 fine:

21 (a) The property stolen has a value of \$1,000.00 or more but
22 less than \$20,000.00.

23 (b) The person violates subsection (4)(a) and has 1 or more
24 prior convictions for committing or attempting to commit an offense
25 under this section. For purposes of this subdivision, however, a
26 prior conviction does not include a conviction for a violation or
27 attempted violation of subsection (4)(b) or (5).

1 (4) If any of the following apply, the person is guilty of a
2 misdemeanor punishable by imprisonment for not more than 1 year or
3 a fine of not more than \$2,000.00 or 3 times the value of the
4 property stolen, whichever is greater, or both imprisonment and a
5 fine:

6 (a) The property stolen has a value of \$200.00 or more but
7 less than \$1,000.00.

8 (b) The person violates subsection (5) and has 1 or more prior
9 convictions for committing or attempting to commit an offense under
10 this section or a local ordinance substantially corresponding to
11 this section.

12 (5) If the property stolen has a value of less than \$200.00,
13 the person is guilty of a misdemeanor punishable by imprisonment
14 for not more than 93 days or a fine of not more than \$500.00 or 3
15 times the value of the property stolen, whichever is greater, or
16 both imprisonment and a fine.

17 (6) IF THE PROPERTY STOLEN IS NONFERROUS METAL, THEN, AS USED
18 IN THIS SECTION, "THE VALUE OF THE PROPERTY STOLEN" MEANS THE
19 GREATEST OF THE FOLLOWING:

20 (A) THE REPLACEMENT COST OF THE STOLEN NONFERROUS METAL.

21 (B) THE COST OF REPAIRING THE DAMAGE CAUSED BY THE LARCENY OF
22 THE NONFERROUS METAL.

23 (C) THE SUM OF SUBDIVISIONS (A) AND (B).

24 (7) ~~(6)~~—The values of property stolen in separate incidents
25 pursuant to a scheme or course of conduct within any 12-month
26 period may be aggregated to determine the total value of property
27 stolen.

Senate Bill No. 1114 (S-1) as amended December 11, 2008

1 **unless** [all of the following bills of the 94th Legislature are enacted

2 into law:

- (a) Senate Bill No. 720.
- (b) Senate Bill No. 1571.
- (c) House Bill No. 5694.
- (d) House Bill No. 6181.]