

# HOUSE BILL No. 4084

January 23, 2007, Introduced by Rep. Ball 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 AND~~  
6 **BELONG** to the people of the state of Michigan. All books, papers,  
7 or records shall be disposed of only as provided in ~~section 13c of~~  
8 ~~Act No. 51 of the Public Acts of the First Extra Session of 1948,~~  
9 ~~as added, being section 18.13c 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.