

Act No. 217
Public Acts of 2013
Approved by the Governor
December 21, 2013
Filed with the Secretary of State
December 26, 2013
EFFECTIVE DATE: April 10, 2014

STATE OF MICHIGAN
97TH LEGISLATURE
REGULAR SESSION OF 2013

Introduced by Reps. Ananich, Knezek, Dillon, Tlaib, Hobbs, Faris, Switalski, Kosowski, Townsend, Zemke, Stanley, Geiss, LaVoy, Abed, Durhal, Muxlow, Brown, Kandrevas, Zorn, Greimel and Outman

ENROLLED HOUSE BILL No. 4595

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 criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 356 (MCL 750.356), as amended by 2008 PA 431.

The People of the State of Michigan enact:

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

- (a) Money, goods, or chattels.
- (b) A bank note, bank bill, bond, promissory note, due bill, bill of exchange or other bill, draft, order, or certificate.
- (c) A book of accounts for or concerning money or goods due, to become due, or to be delivered.
- (d) A deed or writing containing a conveyance of land or other valuable contract in force.
- (e) A receipt, release, or defeasance.
- (f) A writ, process, or public record.
- (g) Scrap metal.

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

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

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

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

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

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

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

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

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

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

(6) If the property stolen is scrap metal, then, as used in this section, "the value of the property stolen" means the greatest of the following:

(a) The replacement cost of the stolen scrap metal.

(b) The cost of repairing the damage caused by the larceny of the scrap metal.

(c) The sum of subdivisions (a) and (b).

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

(8) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions shall be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following:

(a) A copy of the judgment of conviction.

(b) A transcript of a prior trial, plea-taking, or sentencing.

(c) Information contained in a presentence report.

(d) The defendant's statement.

(9) If the sentence for a conviction under this section is enhanced by 1 or more prior convictions, those prior convictions shall not be used to further enhance the sentence for the conviction pursuant to section 10, 11, or 12 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12.

(10) As used in this section, "scrap metal" means that term as defined in section 3 of the scrap metal regulatory act, 2008 PA 429, MCL 445.423.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 4593 of the 97th Legislature is enacted into law.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor

Compiler's note: House Bill No. 4593, referred to in enacting section 1, was filed with the Secretary of State April 10, 2014, and became 2014 PA 99, Eff. July 1, 2014.