



Senate Fiscal Agency
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BILL



ANALYSIS

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House Bill 4249 (as reported without amendment)
Sponsor: Representative Michael Webber
House Committee: Criminal Justice
Senate Committee: Judiciary

CONTENT

The bill would repeal Sections 546 through 551, within Chapter 85 (Trespass), of the Michigan Penal Code.

Section 546 prohibits a person from willfully trespassing by doing any of the following without the owner's approval, concerning items with a value of \$5 or more:

- Cutting down, destroying, or taking away any timber or wood.
- Digging up or carrying away any stone, ore, gravel, clay, sand, turf, or mould.
- Digging up or carrying away any roots, fruit, or plant.
- Digging up or carrying away any grass, hay, or any kind of grain.
- Carrying away from any wharf or landing place, railroad depot or warehouse, any goods in which the person has no interest or property.

Section 547 prohibits trespassing in a garden, orchard, or other improved land, with intent to cut, take, carry away, destroy or injure trees, grain, grass, hay, fruit, or vegetables. Section 548 prohibits trespassing and taking and carrying away cranberries or cranberry vines, or trampling or otherwise injuring or destroying cranberry vines. Section 549 prohibits taking and carrying away huckleberries or black berries from any huckleberry marsh or land growing blackberries, and trampling, breaking down, or otherwise destroying huckleberry or blackberry bushes. Section 550 prohibits trespassing in a vineyard, orchard, or garden, and picking, taking, carrying away, destroying, or injuring any fruits, vegetables, or crops, or in any way injuring or destroying any bush, tree, vine, or plant. Section 551 prohibits trespassing in a field, yard, building, garden, or other enclosure, and willfully breaking down, digging, destroying, taking, or carrying away any ginseng or golden seal plants, or any other medicinal plants, seeds, or roots.

A violation of any of the sections described above is a misdemeanor. (Under the code, if no punishment is specified for a misdemeanor, the penalty is up to 90 days' imprisonment or a maximum fine of \$500, or both.)

MCL 750.546-750.551

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

Under the bill, local government would save court costs and the costs of incarceration due to the repeal of misdemeanors. Public libraries would no longer receive fine revenue. The bill would have no fiscal impact on the State.

Date Completed: 9-24-15

Fiscal Analyst: John Maxwell

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Bill Analysis @ www.senate.michigan.gov/sfa

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