



**Senate Fiscal Agency**  
**P. O. Box 30036**  
**Lansing, Michigan 48909-7536**

BILL



ANALYSIS

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House Bill 4249 (as passed by the House)  
Sponsor: Representative Michael Webber  
House Committee: Criminal Justice  
Senate Committee: Judiciary

Date Completed: 9-21-15

### **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 or destroying any timber or wood standing or growing on the land of another, or carrying away any kind of timber or wood cut down or lying on that land.
- Digging up or carrying away any stone, ore, gravel, clay, sand, turf, or mould from another's land.
- Digging up or carrying away any roots, fruit, or plant.
- Digging up or carrying away any grass, hay, or any kind of grain standing, growing, or being on another's land.
- 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 a person from willfully committing trespass by entering upon the garden, orchard, or other improved land of another, without the owner's permission, and with intent to cut, take, carry away, destroy or injure the trees, grain, grass, hay, fruit, or vegetables growing or being on the land.

Section 548 prohibits a person from entering the premises of another person and taking and carrying away cranberries or cranberry vines growing there, or trampling or otherwise injuring or destroying cranberry vines, without the permission of the owner or occupant of the premises.

Section 549 prohibits a person from entering the enclosed premises of another person and taking and carrying away from any huckleberry marsh or land growing blackberries, the huckleberries or black berries growing there, without the permission of the owner or occupant of the premises. The section also prohibits trampling, breaking down, or otherwise destroying huckleberry or blackberry bushes on the premises, without the permission of the owner or occupant.

Section 550 prohibits a person from entering a vineyard, orchard, or garden, without the owner's consent, and picking, taking, carrying away, destroying, or injuring any of the fruits, vegetables, or crops on the property, or in any way injuring or destroying any bush, tree, vine, or plant.

Section 551 prohibits a person from entering the field, yard, building, garden, or other enclosure of another, without the permission of the owner, and willfully breaking down, digging, destroying, taking, or carrying away any ginseng or ginseng seed, golden seal plants, golden seal roots, golden seal seeds, or any other medicinal plants, seeds, or roots stored, growing, drying, or being on the premises.

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.

Fiscal Analyst: John Maxwell

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.