

# HOUSE BILL No. 6268

June 12, 2018, Introduced by Reps. Kosowski, Kesto and McCready and referred to the Committee on Local Government.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending section 491 (MCL 750.491), as amended by 2017 PA 182.

## 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 this state or its  
3 political subdivisions are public property belonging to the people  
4 of this state. All such books, papers, or records ~~shall~~**MUST** be  
5 disposed of only as provided in section 11 of the Michigan history  
6 center act, 2016 PA 470, MCL 399.811, **SECTION 2A OF THE RECORDS**  
7 **REPRODUCTION ACT, 1992 PA 116, MCL 24.402A**, and sections 2137 and  
8 2138 of the revised judicature act of 1961, 1961 PA 236, MCL  
9 600.2137 and 600.2138.

10       (2) A person shall not willfully carry away, mutilate, or  
11 destroy the books, papers, records, or any part of a book, paper,

1 or record described in subsection (1) and shall not retain and  
2 continue to hold the possession of those books, papers, or records,  
3 or parts of those books, papers, or records and refuse to deliver  
4 up those books, papers, records, or parts of those books, papers,  
5 or records to the proper officer having charge of the office to  
6 which those books, papers, or records belong upon demand being made  
7 by that officer or, if the office is defunct, the Michigan history  
8 center created in the Michigan history center act, 2016 PA 470, MCL  
9 399.801 to 399.812. A person who violates this section is guilty of  
10 a misdemeanor punishable by imprisonment for not more than 2 years  
11 or a fine of not more than \$1,000.00.

12 Enacting section 1. This amendatory act takes effect 90 days  
13 after the date it is enacted into law.

14 Enacting section 2. This amendatory act does not take effect  
15 unless Senate Bill No. \_\_\_\_\_ or House Bill No. 6267 (request no.  
16 03061'17) of the 99th Legislature is enacted into law.