

SENATE BILL No. 559

September 13, 2017, Introduced by Senator SCHMIDT and referred to the Committee on Outdoor Recreation and Tourism.

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~~**THIS** state ~~of~~
3 ~~Michigan~~ or its political subdivisions ~~, are declared to be public~~
4 property ~~, belonging to the people of the~~**THIS** state. ~~of Michigan.~~
5 All **SUCH** books, papers, or records shall be disposed of only as
6 provided in ~~section 13c of Act No. 51 of the Public Acts of the~~
7 ~~First Extra Session of 1948, as added, being section 18.13c of the~~
8 ~~Compiled Laws of 1948, section 5 of Act No. 271 of the Public Acts~~
9 ~~of 1913, as amended, being section 399.5 of the Compiled Laws of~~
10 ~~1948~~ **SECTION 11 OF THE MICHIGAN HISTORY CENTER ACT, 2016 PA 470,**

1 MCL 399.811, and sections 2137 and 2138 of ~~Act No. 236 of the~~
 2 ~~Public Acts of 1961, being sections 600.2137 and 600.2138 of the~~
 3 ~~Compiled Laws of 1948. Any~~ **THE REVISED JUDICATURE ACT OF 1961, 1961**
 4 **PA 236, MCL 600.2137 AND 600.2138.**

5 (2) A person ~~who shall wilfully~~ **NOT WILLFULLY** carry away,
 6 mutilate, or destroy ~~any of such~~ **THE** books, papers, records, or any
 7 part of the same, and ~~any person who shall~~ **A BOOK, PAPER, OR RECORD**
 8 **DESCRIBED IN SUBSECTION (1) AND SHALL NOT** retain and continue to
 9 hold the possession of ~~any~~ **THOSE** books, papers, or records, or
 10 parts thereof, ~~belonging to the aforesaid offices~~ **OF THOSE BOOKS,**
 11 **PAPERS, OR RECORDS** and ~~shall refuse to deliver up such~~ **THOSE** books,
 12 papers, records, or parts thereof **OF THOSE BOOKS, PAPERS, OR**
 13 **RECORDS** to the proper officer having charge of the office to which
 14 ~~such~~ **THOSE** books, papers, or records belong, upon demand being
 15 made by ~~such~~ **THAT** officer or, ~~in cases of a defunct~~ **IF THE** office
 16 **IS DEFUNCT**, the Michigan historical commission, ~~shall be~~ **CREATED**
 17 **IN SECTION 3 OF THE MICHIGAN HISTORICAL COMMISSION ACT, 2016 PA**
 18 **469, MCL 399.833. A PERSON WHO VIOLATES THIS SECTION IS** guilty of a
 19 misdemeanor, ~~punishable by imprisonment in the state prison~~ **FOR**
 20 not more than 2 years or ~~by~~ a fine of not more than \$1,000.00.

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

23 Enacting section 2. This amendatory act does not take effect
 24 unless Senate Bill No. 564

25 of the 99th Legislature is enacted into law.