

THE REVISED SCHOOL CODE (EXCERPT)
Act 451 of 1976

380.1814 Alcoholic beverages, jewelry, gifts, fees for golf, or illegal item; purchase prohibited; exception; violation as misdemeanor; penalty; fine; restitution; "public funds" defined.

Sec. 1814. (1) Except as otherwise provided in subsection (2), a person shall not use school district, intermediate school district, public school academy, or education achievement authority funds or other public funds under the control of a school district, intermediate school district, public school academy, or education achievement authority for purchasing alcoholic beverages, jewelry, gifts, fees for golf, or any item the purchase or possession of which is illegal.

(2) Subsection (1) does not prohibit the use of public funds for the purchase of a plaque, medal, trophy, or other award for the recognition of an employee, volunteer, or pupil if the purchase does not exceed \$100.00 per recipient. Beginning January 1, 2005, the monetary amount for this exception shall be adjusted each January 1 by multiplying the amount for the immediately preceding year by the percentage by which the average consumer price index for all items for the 12 months ending August 31 of the year in which the adjustment is made differs from that index's average for the 12 months ending on August 31 of the immediately preceding year and adding that product to the maximum amount that applied in the immediately preceding year, rounding to the nearest whole dollar. The adjustment shall apply only to expenditures or violations occurring after the date of the adjusting of the amount. The adjusted amount shall be determined and announced by the department on or before December 15 of each year and shall be provided to all persons requesting the adjusted amount. If the index is unavailable, the department shall make a reasonable approximation.

(3) In addition to any other penalty provided by law, a person who knowingly or intentionally violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine, or both. The amount of the fine shall be as follows:

(a) If the cumulative amount of the funds that were used by the person in violation of subsection (1) is less than \$5,000.00, up to \$1,000.00.

(b) If the cumulative amount of the funds that were used by the person in violation of subsection (1) is at least \$5,000.00 and less than \$10,000.00, at least \$1,000.00 and not to exceed \$2,000.00.

(c) If the cumulative amount of the funds that were used by the person in violation of subsection (1) is at least \$10,000.00 and less than \$15,000.00, at least \$2,000.00 and not to exceed \$3,000.00.

(d) If the cumulative amount of the funds that were used by the person in violation of subsection (1) is at least \$15,000.00 and less than \$25,000.00, at least \$3,000.00 and not to exceed \$4,000.00.

(e) If the cumulative amount of the funds that were used by the person in violation of subsection (1) is \$25,000.00 or more, at least \$4,000.00.

(4) A court shall order a person convicted of a violation of subsection (1) to make restitution to the affected school district, intermediate school district, public school academy, or education achievement authority.

(5) As used in this section, "public funds" means funds generated from taxes levied under this act, state appropriations of state or federal funds, or payments to a school district, intermediate school district, public school academy, or education achievement authority for services, but does not include voluntary contributions made for a specific purpose by a school district, intermediate school district, public school academy, or education achievement authority board member; a school district, intermediate school district, public school academy, or education achievement authority employee; another individual; or a private entity.

History: Add. 2004, Act 417, Eff. Mar. 30, 2005;—Am. 2014, Act 477, Eff. Apr. 12, 2015.

Popular name: Act 451