

THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

750.362a Larceny; rented motor vehicle, trailer or other tangible property; penalty.

Sec. 362a. (1) A person to whom a motor vehicle, trailer, or other tangible property is delivered on a rental or lease basis under a written agreement providing for its return to a particular place at a particular time who with intent to defraud the lessor refuses or willfully neglects to return the vehicle, trailer, or other tangible property after expiration of the time stated in a written notice mailed by registered or certified mail addressed to that person's last known address is guilty of larceny, punishable as provided in this section.

(2) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$15,000.00 or 3 times the value of the vehicle, trailer, or other tangible property, whichever is greater, or both imprisonment and a fine:

(a) The vehicle, trailer, or other tangible property has a value of \$20,000.00 or more.

(b) The person violates subsection (3)(a) and has 2 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subdivision, however, a prior conviction does not include a conviction for a violation or attempted violation of subsection (4)(b) or (5).

(3) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$10,000.00 or 3 times the value of the vehicle, trailer, or other tangible property, whichever is greater, or both imprisonment and a fine:

(a) The vehicle, trailer, or other tangible property has a value of \$1,000.00 or more but less than \$20,000.00.

(b) The person violates subsection (4)(a) and has 1 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subdivision, however, a prior conviction does not include a conviction for a violation or attempted violation of subsection (4)(b) or (5).

(4) If any of the following apply, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$2,000.00 or 3 times the value of the vehicle, trailer, or other tangible property, whichever is greater, or both imprisonment and a fine:

(a) The vehicle, trailer, or other tangible property has a value of \$200.00 or more but less than \$1,000.00.

(b) The person violates subsection (5) and has 1 or more prior convictions for committing or attempting to commit an offense under this section or a local ordinance substantially corresponding to this section.

(5) If the vehicle, trailer, or other tangible property has a value of less than \$200.00, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00 or 3 times the value of the vehicle, trailer, or other tangible property, whichever is greater, or both imprisonment and a fine.

(6) The values of property not returned in separate incidents pursuant to a scheme or course of conduct within any 12-month period may be aggregated to determine the total value of property not returned.

(7) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions shall be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following:

(a) A copy of the judgment of conviction.

(b) A transcript of a prior trial, plea-taking, or sentencing.

(c) Information contained in a presentence report.

(d) The defendant's statement.

(8) If the sentence for a conviction under this section is enhanced by 1 or more prior convictions, those prior convictions shall not be used to further enhance the sentence for the conviction pursuant to section 10, 11, or 12 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12.

History: Add. 1964, Act 241, Eff. Aug. 28, 1964;—Am. 1966, Act 297, Eff. Mar. 10, 1967;—Am. 1998, Act 311, Eff. Jan. 1, 1999.