

Legislative Analysis



REPEAL OBSOLETE TRESPASS PROVISIONS

Phone: (517) 373-8080
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House Bill 4249 as introduced
Sponsor: Rep. Michael Webber
Committee: Criminal Justice
Complete to 3-23-15

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4249 repeals several older provisions of the Michigan Penal Code pertaining to unlawful trespass. All of the provisions were enacted in 1931 and have not been revised since 1948. The bill would take effect 90 days after enactment. The repealed sections currently prohibit the following acts of trespass:

Section 546 prohibits willful trespass related to entering the property of another and taking away such things as timber, wood, gravel, sand, turf, stone, plants, trees, roots, hay, grass, or grain that is standing, growing, or is on the land or doing the same with any of the above from a wharf, railroad depot, or warehouse having a minimum value of \$5.

Section 547 prohibits the willful trespass upon a garden, orchard, or other improved land of another with the intent to cut, take, carry away, destroy, or injure the trees, grain, grass, hay, fruit, or vegetables that are growing or being on the land, without permission of the owner.

Section 548 prohibits a person from entering the premises of another and taking cranberries or cranberry vines from a cranberry marsh, or destroying or trampling the vines, without the permission of the owner.

Section 549 prohibits a person from entering upon huckleberry and blackberry marshes on the premises of another without the permission of the owner and carrying away or trampling or otherwise destroying the fruit or bushes.

Section 550 prohibits a person from entering, without consent of the owner, a vineyard, orchard, or garden and picking, taking away, destroying, or injuring the fruits, vegetables, or crops.

Section 551 prohibits a person from entering, without the permission of the owner, a field, yard, building, garden, or other enclosure and willfully break down, dig, destroy, take, or carry away certain medicinal plants such as ginseng seed or golden seal roots.

The penalty for a violation of any of the above is a misdemeanor punishable by no more than 90 days in jail and/or a fine of not more than \$500.

MCL 750.546 et al.

FISCAL IMPACT:

The bill repeals several misdemeanors from state statutes. Misdemeanor fines go to public libraries. Misdemeanor convictions increase costs related to county jails and/or local misdemeanor probation supervision. The costs of local incarceration in a county jail and local misdemeanor probation supervision vary by jurisdiction. It is not known how often these laws are enforced, if at all.

Legislative Analyst: Susan Stutzky

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