

THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

750.382 Maliciously destroying or injuring trees, shrubs, grass, turf, plants, crops, or soil.

Sec. 382. (1) A person who willfully and maliciously, or wantonly and without cause, cuts down, destroys, or injures any tree, shrub, grass, turf, plants, crops, or soil of another that is standing, growing, or located on the land of another is guilty of a crime as follows:

(a) If the value of the trees, shrubs, grass, turf, plants, crops, or soil cut down, destroyed, or injured is 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 trees, shrubs, grass, turf, plants, crops, or soil, whichever is greater, or both imprisonment and a fine.

(b) 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 trees, shrubs, grass, turf, plants, crops, or soil, whichever is greater, or both imprisonment and a fine:

(i) The value of the trees, shrubs, grass, turf, plants, or soil cut down, destroyed, or injured is \$200.00 or more but less than \$1,000.00.

(ii) The person violates subdivision (a) 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.

(c) 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 trees, shrubs, grass, turf, plants, crops, or soil, whichever is greater, or both imprisonment and a fine:

(i) The value of the trees, shrubs, grass, turf, plants, crops, or soil cut down, destroyed, or injured is \$1,000.00 or more but less than \$20,000.00.

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

(d) 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 trees, shrubs, grass, turf, plants, crops, or soil, whichever is greater, or both imprisonment and a fine:

(i) The value of the trees, shrubs, grass, turf, plants, crops, or soil cut down, destroyed, or injured is \$20,000.00 or more.

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

(2) The secretary of state shall suspend the operator's or chauffeur's license of a person convicted of a violation or attempted violation of subsection (1) who committed the offense with a vehicle, as provided in section 319 of the Michigan vehicle code, 1949 PA 300, MCL 257.319. As used in this subsection, "vehicle" means that term as defined in section 79 of the Michigan vehicle code, 1949 PA 300, MCL 257.79.

(3) The values of trees, shrubs, grass, turf, plants, crops, or soil cut down, destroyed, or injured 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 trees, shrubs, grass, turf, plants, crops, or soil cut down, destroyed, or injured.

(4) 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.

(5) 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: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.382;—Am. 1980, Act 159, Eff. Mar. 31, 1981;—Am. 1998, Act 311, Eff. Jan. 1, 1999;—Am. 1998, Act 344, Eff. Oct. 1, 1999.

Former law: See section 49 of Ch. 154 of R.S. 1846, being CL 1857, § 5793; CL 1871, § 7600; How., § 9171; CL 1897, § 11585; CL 1915, § 15330; CL 1929, § 16926; Act 206 of 1848; Act 47 of 1849; and section 1 of Act 174 of 1855, being CL 1857, § 5801; CL Rendered Tuesday, November 10, 2009

1871, § 7610; How., § 9194; CL 1897, § 11647; CL 1915, § 15416; CL 1929, § 17003; and Act 202 of 1875.