



HOUSE BILL No. 5171

December 7, 1999, Introduced by Rep. Bisbee and referred to the Committee on Criminal Law and Corrections.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 451 (MCL 750.451).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 451. (1) ~~Any person, male or female, who shall be~~
2 ~~adjudged guilty of a violation of sections~~ EXCEPT AS PROVIDED IN
3 SUBSECTION (2) OR (3), A PERSON WHO VIOLATES SECTION 448, 449,
4 449a, or 450 ~~shall be punished~~ IS GUILTY OF A MISDEMEANOR
5 PUNISHABLE by imprisonment ~~in the county jail~~ for not more than
6 90 days or ~~by~~ a fine of not more than \$100.00, or both. ~~Any~~
7 ~~person, male or female, 17 years of age or older, who shall be~~
8 ~~adjudged guilty a second time of a violation of sections~~
9 (2) A PERSON WHO VIOLATES SECTION 448, 449, 449a, or 450 ~~—~~
10 ~~the offense being charged as a second offense, shall be~~ AND HAS
11 1 PRIOR CONVICTION IS guilty of a misdemeanor ~~—~~, punishable by

1 imprisonment ~~in the county jail~~ for not more than 1 year or
2 ~~by~~ a fine of not more than \$500.00, or both. ~~Any person, male~~
3 ~~or female, adjudged guilty a third or any subsequent time of a~~
4 ~~violation of sections~~

5 (3) A PERSON WHO VIOLATES SECTION 448, 449, 449a, or 450 ~~—~~
6 ~~the offense being charged as a third or subsequent offense, shall~~
7 ~~be~~ AND HAS 2 OR MORE PRIOR CONVICTIONS IS guilty of a felony ~~—~~
8 punishable by imprisonment ~~in the state prison~~ for not more
9 than 2 years.

10 (4) SUBSECTIONS (2) AND (3) DO NOT APPLY UNLESS THE PERSON
11 IS CHARGED WITH HAVING THE PRIOR CONVICTIONS.

12 (5) AS USED IN THIS SECTION, "PRIOR CONVICTION" MEANS A CON-
13 VICTION FOR A VIOLATION OR ATTEMPTED VIOLATION OF SECTION 448,
14 449, 449A, OR 450 OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPOND-
15 ING TO SECTION 448, 449, 449A, OR 450.