

HOUSE BILL No. 6082

May 18, 2006, Introduced by Reps. Donigan, Angerer, Miller, Vagnozzi, Sheltroun, Anderson, Mayes, Hunter, Polidori, Tobocman, Zelenko, Bieda, Lemmons, Jr., Lipsey, Farrah, Meisner, Bennett, Espinoza, Kolb, Clemente, Plakas, Byrum, Wojno, Gleason, Spade, Leland, Byrnes, Gillard and Cheeks and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 491 (MCL 750.491).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 491. (1) All official books, papers, or records created
2 by or received in any office or agency of ~~the~~ **THIS** state ~~of~~
3 ~~Michigan~~ or its political subdivisions ~~,~~ are declared to be
4 public property, belonging to the people of ~~the~~ **THIS** state. ~~of~~
5 ~~Michigan.~~

6 (2) All books, papers, ~~or~~ **AND** records **DESCRIBED IN**
7 **SUBSECTION (1)** shall be disposed of only as provided in ~~section~~
8 ~~13c of Act No. 51 of the Public Acts of the First Extra Session of~~
9 ~~1948, as added, being section 18.13c of the Compiled Laws of 1948~~

1 SECTIONS 201, 285, 287, AND 289 OF THE MANAGEMENT AND BUDGET ACT,
2 1984 PA 431, MCL 18.1201, 18.1285, 18.1287, AND 18.1289, section 5
3 of ~~Act No. 271 of the Public Acts of 1913, as amended, being~~
4 ~~section 399.5 of the Compiled Laws of 1948~~ 1913 PA 271, MCL 399.5,
5 and sections 2137 and 2138 of ~~Act No. 236 of the Public Acts of~~
6 ~~1961, being sections 600.2137 and 600.2138 of the Compiled Laws of~~
7 ~~1948~~ THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.2137
8 AND 600.2138.

9 (3) ~~Any~~ A person ~~who~~ shall ~~wilfully~~ NOT WILLFULLY carry
10 away, mutilate, or destroy ~~any of such~~ books, papers, records, or
11 any part of ~~the same~~, and ~~any person who shall~~ A BOOK, PAPER, OR
12 RECORD DESCRIBED IN SUBSECTION (1) OR retain and continue to hold
13 the possession of ~~any~~ books, papers, or records, or ~~parts~~
14 thereof, ~~belonging to the aforesaid offices and shall refuse to~~
15 ~~deliver up such books, papers, records, or parts thereof~~ ANY PART
16 OF A BOOK, PAPER, OR RECORD DESCRIBED IN SUBSECTION (1) AND REFUSE
17 TO RETURN THEM to the ~~proper~~ officer having charge of the office
18 to which ~~such books, papers, or records~~ THEY belong, upon demand
19 being made by ~~such~~ THE officer or, in cases of a defunct office,
20 the Michigan historical commission. ~~—, shall be~~ EXCEPT AS PROVIDED
21 IN SUBSECTION (4), A PERSON WHO VIOLATES THIS SUBSECTION IS guilty
22 of a misdemeanor ~~—, punishable by imprisonment in the state~~
23 ~~prison~~ FOR not more than 2 years or ~~by~~ a fine of not more than
24 \$1,000.00, OR BOTH.

25 (4) A PERSON WHO VIOLATES SUBSECTION (3) WITH THE INTENT TO
26 IMPAIR THE INTEGRITY OF THE BOOK, PAPER, OR RECORD OR ITS
27 AVAILABILITY FOR USE IN AN OFFICIAL PROCEEDING, OR WITH THE INTENT

1 TO OBSTRUCT, INFLUENCE, OR IMPEDE AN OFFICIAL PROCEEDING, IS GUILTY
2 OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 10 YEARS
3 OR A FINE OF NOT MORE THAN \$250,000.00, OR BOTH. AS USED IN THIS
4 SUBSECTION, "OFFICIAL PROCEEDING" MEANS A PROCEEDING BEFORE A
5 LEGISLATIVE BODY OR AGENCY, A COURT, AN ADMINISTRATIVE AGENCY, OR
6 ANY OTHER GOVERNMENTAL AGENCY.