

HOUSE BILL No. 6458

September 17, 2008, Introduced by Rep. Sak and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 361a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 361A. (1) A PERSON WHO COMMITS LARCENY BY STEALING ALL OR
2 PART OF A TOMB, MONUMENT, GRAVESTONE, OR ALL OR PART OF A
3 COMMEMORATIVE, DECORATIVE, OR OTHER CEMETERY-RELATED ARTICLE
4 CONTAINING NONFERROUS METAL IS GUILTY OF A MISDEMEANOR PUNISHABLE
5 BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE
6 THAN \$500.00, OR BOTH.

7 (2) THE COURT SHALL AWARD RESTITUTION FOR THE VALUE OF THE
8 NONFERROUS METAL ARTICLE STOLEN. THE COURT MAY AWARD COSTS
9 REGARDING ANY ASPECT OF A PROSECUTION BROUGHT UNDER SUBSECTION (1).

1 (3) AS USED IN THIS SECTION:

2 (A) "NONFERROUS METAL" MEANS A METAL THAT DOES NOT CONTAIN
3 SIGNIFICANT AMOUNTS OF FERROUS METAL BUT CONTAINS COPPER, BRASS,
4 PLATINUM-BASED METALS, ALUMINUM, BRONZE, LEAD, ZINC, OR ALLOYS OF
5 THOSE METALS.

6 (B) "VALUE OF THE NONFERROUS METAL ARTICLE STOLEN" MEANS THE
7 GREATEST OF THE FOLLOWING:

8 (i) THE REPLACEMENT OF COST OF THE STOLEN ARTICLE.

9 (ii) THE COST OF REPAIRING THE DAMAGE CAUSED BY THE LARCENY OF
10 THAT ARTICLE.

11 (iii) THE TOTAL OF SUBPARAGRAPHS (i) AND (ii) .