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BILL ANALYSIS

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Senate Bill 679 (as introduced 11-13-13)  
Sponsor: Senator Virgil Smith  
Committee: Economic Development

Date Completed: 12-2-13

**CONTENT**

**The bill would amend the Michigan Penal Code to do the following:**

- **Make it a crime to steal any metal, rather than nonferrous metal.**
- **Create a rebuttable presumption that a person who removed metal from a building without the owner's written permission would not have the owner's permission, under certain circumstances.**

Currently, a person who commits larceny by stealing certain property, including nonferrous metal, is guilty of a crime punishable by a range of penalties. Depending on the value of the property stolen and the violator's prior convictions, the offense ranges from a misdemeanor punishable by imprisonment for up to 93 days and/or a maximum fine of \$500 or three times the value of the property, whichever is greater, to a felony punishable by imprisonment for up to 10 years and/or a maximum fine of \$15,000 or three times the value, whichever is greater.

The bill would extend these penalties to a person who committed larceny by stealing any metal, rather than nonferrous metal. The bill also would refer to any metal, rather than nonferrous metal, in a definition of "the value of the property stolen". (That is, if the property stolen is nonferrous metal, the term means the greatest of the following: a) the replacement cost; b) the cost of repairing the damage caused by the larceny; c) the sum of a) and b).)

Under the bill, in a prosecution for a violation, there would be a rebuttable presumption that a person who removed or attempted to remove metal from within a building or structure without the written permission of the owner of the building or structure, would not have the owner's permission to remove or attempt to remove that metal if any of the following applied:

- The metal had a scrap value of \$100 or more at the time of the alleged violation.
- The metal had a total combined weight of 100 pounds or more.
- The metal was or had been secured to that building or structure by a nail, screw, bolt, or other means of fastening.
- The metal was or had been enclosed within a wall, ceiling, or floor of the building or structure.

MCL 750.356

Legislative Analyst: Suzanne Lowe

## **FISCAL IMPACT**

The bill would have an indeterminate negative fiscal impact on State and local government. By including any metal, not only nonferrous metal, in the laws prohibiting larceny, the bill likely would increase the number of felony dispositions for larceny, although there are no data to indicate the magnitude of the increase. In 2012, there were 24 felony dispositions for larceny of items valued at \$20,000 or more, and 379 felony dispositions for larceny of items valued between \$1,000 and \$20,000. Approximately 20% of these felony dispositions resulted in sentences to prison, while the remaining 80% of the offenders served time either in jail or on probation (or both). Increases in the number of larceny convictions would increase the costs of incarceration and community supervision for State and local government. Any increase in penal fine revenue would benefit public libraries, which are the constitutionally designated beneficiaries of that revenue.

Fiscal Analyst: Dan O'Connor

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