

HOUSE BILL No. 4289

March 1, 2017, Introduced by Reps. Phelps and Kesto and referred to the Committee on Law and Justice.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 491a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 491A. (1) A PUBLIC EMPLOYEE OR OFFICER SHALL NOT**
2 **DIRECTLY, OR INDIRECTLY BY INSTRUCTIONS TO ANOTHER PERSON,**
3 **INTENTIONALLY ALTER, CONCEAL, DESTROY, OR OTHERWISE TAMPER WITH**
4 **DATA USED IN PREPARING AN OFFICIAL REPORT FOR THE PURPOSE OF**
5 **FALSIFYING OR MISREPRESENTING THE DATA OR MISLEADING A PERSON**
6 **RELYING ON THE REPORT.**

7 **(2) A PUBLIC EMPLOYEE OR OFFICER WHO VIOLATES SUBSECTION (1)**
8 **IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN**
9 **5 YEARS OR A FINE OF NOT MORE THAN \$5,000.00, OR BOTH.**

10 **(3) IT IS AN AFFIRMATIVE DEFENSE TO PROSECUTION UNDER THIS**

1 SECTION THAT THE PUBLIC EMPLOYEE OR OFFICER WHO IS ASSERTING THE
2 AFFIRMATIVE DEFENSE ACTED TO COMPLY WITH A DIRECTIVE OR OTHER
3 REQUIREMENT FROM HIS OR HER SUPERIOR.

4 (4) THIS SECTION DOES NOT IMPAIR ANY RIGHT CREATED UNDER THE
5 WHISTLEBLOWERS' PROTECTION ACT, 1980 PA 469, MCL 15.361 TO 15.369.

6 (5) AS USED IN THIS SECTION:

7 (A) "OFFICIAL REPORT" MEANS A REPORT PREPARED IN THE COURSE OF
8 THE PUBLIC EMPLOYEE'S OR OFFICER'S DUTIES FOR SUBMISSION OR
9 DISTRIBUTION TO A GOVERNMENTAL BODY FOR USE IN DECISIONS REGARDING
10 PUBLIC POLICY. OFFICIAL REPORT DOES NOT INCLUDE A RESEARCH REPORT
11 PREPARED PRIMARILY FOR THE PURPOSE OF CONTRIBUTING TO THE
12 SCIENTIFIC COMMUNITY'S OR THE GENERAL PUBLIC'S KNOWLEDGE.

13 (B) "PUBLIC EMPLOYEE OR OFFICER" MEANS AN EMPLOYEE OR OFFICER
14 OF THIS STATE, OF A CITY, VILLAGE, TOWNSHIP, OR COUNTY OF THIS
15 STATE, OR OF A DEPARTMENT, BOARD, AGENCY, INSTITUTION, COMMISSION,
16 AUTHORITY, DIVISION, COUNCIL, OR OTHER PUBLIC ENTITY OF THIS STATE
17 OR OF A CITY, VILLAGE, TOWNSHIP, OR COUNTY IN THIS STATE, INCLUDING
18 AN INDIVIDUAL WHOSE POSITION RESULTS FROM ELECTION OR APPOINTMENT.

19 Enacting section 1. This amendatory act takes effect 90 days
20 after the date it is enacted into law.