



HOUSE BILL No. 4970

July 22, 1993, Introduced by Reps. Profit, Yokich, Palamara, Mathieu, Wallace and Cropsey and referred to the Committee on Judiciary.

A bill to amend sections 131, 157s, 157w, 174, 175, 177, 178, 181, 218, 219a, 282, 356, 356c, 356d, 362a, 377a, 380, 387, and 535 of Act No. 328 of the Public Acts of 1931, entitled as amended

"The Michigan penal code,"

section 131 as amended by Act No. 277 of the Public Acts of 1984, section 157s as amended and section 157w as added by Act No. 276 of the Public Acts of 1987, section 282 as amended by Act No. 32 of the Public Acts of 1987, and sections 356c and 356d as added by Act No. 20 of the Public Acts of 1988, being sections 750.131, 750.157s, 750.157w, 750.174, 750.175, 750.177, 750.178, 750.181, 750.218, 750.219a, 750.282, 750.356, 750.356c, 750.356d, 750.362a, 750.377a, 750.380, 750.387, and 750.535 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 131, 157s, 157w, 174, 175, 177, 178,
2 181, 218, 219a, 282, 356, 356c, 356d, 362a, 377a, 380, 387, and
3 535 of Act No. 328 of the Public Acts of 1931, section 131 as
4 amended by Act No. 277 of the Public Acts of 1984, section 157s
5 as amended and section 157w as added by Act No. 276 of the Public
6 Acts of 1987, section 282 as amended by Act No. 32 of the Public
7 Acts of 1987, and sections 356c and 356d as added by Act No. 20
8 of the Public Acts of 1988, being sections 750.131, 750.157s,
9 750.157w, 750.174, 750.175, 750.177, 750.178, 750.181, 750.218,
10 750.219a, 750.282, 750.356, 750.356c, 750.356d, 750.362a,
11 750.377a, 750.380, 750.387, and 750.535 of the Michigan Compiled
12 Laws, are amended to read as follows:

13 Sec. 131. (1) A person shall not ~~, with intent to~~
14 ~~defraud,~~ make, draw, utter, or deliver any check, draft, or
15 order for the payment of money, to apply on account or otherwise,
16 upon any bank or other depository ~~, WITH INTENT TO DEFRAUD AND~~
17 knowing at the time of the making, drawing, uttering, or deliver-
18 ing ~~, that the maker or drawer does not have sufficient funds~~
19 in or credit with the bank or other depository ~~, for the payment~~
20 ~~of~~ TO PAY the check, draft, or order ~~, in full~~ upon its
21 presentation.

22 (2) A person shall not ~~, with the intent to defraud,~~ make,
23 draw, utter, or deliver any check, draft, or order for the pay-
24 ment of money, to apply on account or otherwise, upon any bank or
25 other depository ~~, unless~~ WITH INTENT TO DEFRAUD IF the person
26 ~~has~~ DOES NOT HAVE sufficient funds for the payment of the

1 check, draft, or order when presentation for payment is made to
 2 the drawee. ~~, except~~ THIS SUBSECTION DOES NOT APPLY if the lack
 3 of funds is due to garnishment, attachment, levy, or other lawful
 4 cause ~~—~~ and that fact was not known to the person ~~who~~ WHEN
 5 THE PERSON made, drew, uttered, or delivered the check, draft, or
 6 order. ~~at the time of the making, drawing, uttering, or~~
 7 ~~delivering.~~

8 (3) A person who violates this section is guilty of a crime
 9 as follows:

10 (a) If the amount payable in the check, draft, or order is
 11 ~~\$50.00~~ \$500.00 or less, as follows:

12 (i) For a first offense, a misdemeanor ~~—~~ punishable by
 13 imprisonment for not more than 93 days ~~—~~ or a fine of not more
 14 than ~~\$100.00~~ \$500.00, or both.

15 (ii) For a second offense ~~which is~~ charged as a second
 16 offense, a misdemeanor ~~—~~ punishable by imprisonment for not
 17 more than 6 months ~~—~~ or a fine of not more than ~~\$250.00~~
 18 \$500.00, or both.

19 (iii) For a third offense ~~which is~~ charged as a third
 20 offense, a misdemeanor ~~—~~ punishable by imprisonment for not
 21 more than 1 year ~~—~~ or a fine of not more than \$500.00, or
 22 both.

23 (iv) For a fourth or subsequent offense ~~which is~~ charged
 24 as a fourth or subsequent offense, a felony ~~—~~ punishable by
 25 imprisonment for not more than 13 months ~~—~~ or a fine of not
 26 more than \$500.00, or both.

1 (b) If the amount payable in the check, draft, or order is
 2 more than ~~-\$50.00~~ \$500.00 but less than ~~-\$200.00~~ \$2,000.00, as
 3 follows:

4 (i) For a first or second offense, a misdemeanor ~~—~~ punish-
 5 able by imprisonment for not more than 1 year ~~—~~ or a fine of
 6 not more than \$500.00, or both.

7 (ii) For a third or subsequent offense ~~which is~~ charged as
 8 a third or subsequent offense, a felony ~~—~~ punishable by impris-
 9 onment for not more than 13 months ~~—~~ or a fine of not more than
 10 \$500.00, or both.

11 (c) If the amount payable in the check, draft, or order is
 12 ~~-\$200.00~~ \$2,000.00 or more, a felony ~~—~~ punishable by imprison-
 13 ment for not more than 13 months ~~—~~ or ~~by~~ a fine of not more
 14 than \$500.00, or both.

15 Sec. 157s. A person who, for the purpose of obtaining
 16 goods, property, services, or anything of value, knowingly and
 17 with intent to defraud uses 1 or more financial transaction
 18 devices ~~which~~ THAT have been revoked or canceled by the issuer
 19 of the device or devices, as distinguished from expired, and HAS
 20 RECEIVED notice of the revocation or cancellation ~~has been~~
 21 ~~received by the person,~~ is guilty of a ~~misdemeanor if~~ CRIME AS
 22 FOLLOWS:

23 (A) IF the aggregate value of the goods, property, services,
 24 or anything of value is ~~-\$100.00~~ \$1,000.00 or less, ~~and is~~
 25 ~~guilty of a felony, punishable by a fine of not more than~~
 26 ~~\$1,000.00, or imprisonment for not more than 1 year, or both, if~~
 27 THE PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT

1 FOR NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR
2 BOTH.

3 (B) IF the aggregate value of the goods, property, services,
4 or anything of value is more than ~~-\$100.00~~ \$1,000.00, THE PERSON
5 IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE
6 THAN 1 YEAR OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.

7 Sec. 157w. A person who ~~—~~ knowingly and with intent to
8 defraud ~~—~~ uses a financial transaction device to withdraw or
9 transfer funds from a deposit account in violation of the con-
10 tractual limitations imposed on the amount or frequency of with-
11 drawals or transfers ~~—~~ or in an amount ~~in excess of~~ EXCEEDING
12 the funds then on deposit in the account ~~—~~ is guilty of a CRIME
13 AS FOLLOWS:

14 (A) A misdemeanor PUNISHABLE BY IMPRISONMENT FOR NOT MORE
15 THAN 90 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR BOTH, if the
16 amount of the funds withdrawn or transferred is ~~-\$500.00~~
17 \$1,000.00 or less. ~~—, and is guilty of a~~

18 (B) A felony PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4
19 YEARS OR A FINE OF NOT MORE THAN \$2,000.00, OR BOTH, if the
20 amount of the funds withdrawn or transferred is more than
21 ~~-\$500.00~~ \$1,000.00.

22 Sec. 174. (1) ~~Any~~ A person who as the agent, servant, or
23 employee of ~~another, or as the trustee, bailee or custodian of~~
24 ~~the property of another, or of~~ any INDIVIDUAL, partnership,
25 ~~voluntary~~ association, ~~public or private~~ corporation, ~~or of~~
26 ~~this state, or of any county, city, village, township or school~~
27 ~~district~~ GOVERNMENTAL ENTITY within this state, ~~shall~~ OR OTHER

1 LEGAL ENTITY, OR WHO AS THE TRUSTEE, BAILEE, OR CUSTODIAN OF THE
 2 PROPERTY OF ANOTHER PERSON, fraudulently ~~dispose~~ DISPOSES of or
 3 ~~convert~~ CONVERTS to his OR HER own use, or ~~take or secrete~~
 4 TAKES OR SECRETES with THE intent to convert to his OR HER own
 5 use without the consent of his OR HER principal, any money or
 6 other personal property of his OR HER principal ~~which shall~~
 7 ~~have~~ THAT HAS come to ~~his~~ THAT PERSON'S possession or ~~shall~~
 8 ~~be~~ THAT IS under his OR HER charge or control by virtue of his
 9 OR HER being such AN agent, servant, employee, trustee, bailee,
 10 or custodian, ~~as aforesaid, shall be~~ IS guilty of ~~the crime~~
 11 ~~of~~ embezzlement. ~~, and upon conviction thereof, if~~

12 (2) IF the money or personal property ~~so~~ embezzled ~~shall~~
 13 ~~be of the~~ HAS A value of ~~\$100.00~~ \$1,000.00 or ~~under~~ LESS,
 14 ~~shall be~~ THE PERSON IS guilty of a misdemeanor ~~, if~~
 15 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF
 16 NOT MORE THAN \$500.00, OR BOTH.

17 (3) IF the money or personal property ~~so~~ embezzled ~~be of~~
 18 ~~the~~ HAS A value of more than ~~\$100.00~~ \$1,000.00, ~~such~~ THE
 19 person ~~shall be~~ IS guilty of a felony ~~—~~ punishable by impris-
 20 onment ~~in the state prison~~ FOR not more than 10 years or by a
 21 fine not exceeding \$5,000.00.

22 (4) In ~~any~~ A prosecution under this section, the failure,
 23 neglect, or refusal of ~~such~~ THE agent, servant, employee,
 24 trustee, bailee, or custodian to pay, deliver, or refund to his
 25 OR HER principal ~~such~~ THE money or property entrusted to his OR
 26 HER care upon demand ~~shall be~~ IS prima facie proof of intent to
 27 embezzle.

1 Sec. 175. (1) ~~Embezzlement by public officer, his agent,~~

2 ~~etc. Any person holding any~~ AN INDIVIDUAL HOLDING public office

3 in this state, or the agent or servant of ~~any such person~~

4 INDIVIDUAL HOLDING PUBLIC OFFICE IN THIS STATE, who knowingly and

5 unlawfully appropriates ~~to his own use, or to the use of any~~

6 ~~other person, the~~ money or property received ~~by him~~ in his OR

7 HER official capacity or employment ~~, of the value of 50 dollars~~

8 ~~or upwards, shall be~~ TO HIS OR HER OWN USE OR THE USE OF ANOTHER

9 PERSON IS GUILTY OF A CRIME AS FOLLOWS:

10 (A) IF THE MONEY OR PROPERTY HAS A VALUE OF LESS THAN

11 \$500.00, THE INDIVIDUAL IS GUILTY OF A MISDEMEANOR PUNISHABLE BY

12 IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN

13 \$500.00, OR BOTH.

14 (B) IF THE MONEY OR PROPERTY HAS A VALUE OF \$500.00 OR MORE,

15 THE INDIVIDUAL IS guilty of a felony ~~, punishable by imprison-~~

16 ~~ment in the state prison~~ FOR not more than 10 years or ~~by~~ A

17 fine of not more than ~~5,000 dollars~~ \$5,000.00, OR BOTH.

18 (2) In ~~any~~ A prosecution under this section, ~~the~~ A

19 PUBLIC OFFICER'S failure, neglect, or refusal ~~of any public~~

20 ~~officer~~ to pay over and deliver to his OR HER successor all

21 ~~moneys~~ MONEY and property ~~which~~ THAT should be in his ~~hands~~

22 OR HER TRUST as ~~such~~ A PUBLIC officer ~~, shall be~~ IS prima

23 facie evidence of ~~an offense against the provisions~~ A VIOLATION

24 of this section.

25 Sec. 177. (1) ~~Any~~ A person ~~who~~ shall NOT embezzle ~~,~~

26 OR fraudulently remove, conceal, or dispose of any personal

27 property held by him OR HER subject to ~~any~~ A chattel mortgage

1 or written instrument intended to operate as a chattel mortgage,
 2 ~~or any~~ A lease or written instrument intended to operate as a
 3 lease, or ~~any~~ A contract to purchase not yet fulfilled with
 4 intent to injure or defraud the mortgagee, lessor, or vendor
 5 under ~~such~~ THE contract or any assignee ~~thereof, shall, if~~ OF
 6 THE MORTGAGEE, LESSOR, OR VENDOR.

7 (2) IF the property ~~so~~ embezzled, removed, concealed, or
 8 disposed of ~~, is of the~~ HAS A value of more than ~~-\$100.00-~~
 9 \$1,000.00, ~~be~~ THE PERSON IS guilty of a felony ~~, punishable~~
 10 by imprisonment ~~in the state prison~~ FOR not more than 2 years,
 11 or by a fine of not more than \$1,000.00.

12 (3) If the property ~~so~~ EMBEZZLED, removed, concealed, or
 13 disposed of ~~is of the~~ HAS A value of ~~-\$100.00-~~ \$1,000.00 or
 14 less, the person ~~so offending shall be~~ IS guilty of a misde-
 15 meanor PUNISHABLE BY A FINE OF NOT MORE THAN 90 DAYS OR A FINE OF
 16 NOT MORE THAN \$500.00, OR BOTH.

17 Sec. 178. (1) ~~Any~~ A person ~~who~~ shall NOT EMBEZZLE OR
 18 fraudulently ~~embezzle,~~ remove, conceal, or dispose of any per-
 19 sonal property ~~which~~ THAT has been mortgaged, leased, or pur-
 20 chased under a contract to purchase not yet fulfilled by another
 21 PERSON knowing ~~such~~ THE personal property ~~to have~~ HAS been
 22 ~~so~~ mortgaged, leased, or purchased ~~, AND~~ AND with THE intent to
 23 injure or defraud the mortgagee, lessor, or vendor under ~~such~~
 24 THE contract, or any assignee ~~thereof, shall, if~~ OF THE MORTGA-
 25 GEE, LESSOR, OR VENDOR.

26 (2) IF the property ~~so~~ embezzled, removed, concealed, or
 27 disposed of ~~, is of the~~ HAS A value of more than ~~-\$100.00, be-~~

1 \$1,000.00, THE PERSON IS guilty of a felony ~~—~~ punishable by
 2 imprisonment ~~in the state prison~~ FOR not more than 2 years or
 3 by a fine of not more than \$1,000.00.

4 (3) If the property ~~so~~ EMBEZZLED, removed, concealed, or
 5 disposed of ~~is of the~~ HAS A value of ~~\$100.00~~ \$1,000.00 or
 6 less, the person ~~so offending shall be~~ IS guilty of a misde-
 7 meanor PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A
 8 FINE OF NOT MORE THAN \$500.00, OR BOTH.

9 Sec. 181. (1) ~~Any~~ AN agent, servant, employee, trustee,
 10 bailee, custodian, attorney-at-law, collector, or other person
 11 ~~—~~ who ~~in any manner~~ receives or collects money or any other
 12 personal property ~~which~~ THAT is partly the property of another
 13 PERSON and partly the property of ~~such~~ THE agent, servant,
 14 employee, trustee, bailee, custodian, attorney-at-law, collector,
 15 or other person ~~—~~ and who shall NOT embezzle, ~~or~~ fraudulently
 16 dispose of, ~~or~~ convert to his OR HER own use, or take or
 17 secrete with intent to embezzle or convert to his OR HER own use
 18 ~~— such~~ THE money or personal property ~~—~~ without the consent
 19 of the part owner of ~~such~~ THE money or personal property. ~~—~~
 20 shall, if

21 (2) IF the money or personal property ~~so~~ embezzled, ~~is of~~
 22 ~~the~~ DISPOSED OF, CONVERTED, TAKEN, OR SECRETED HAS A value of
 23 ~~\$100.00~~ \$1,000.00 or under, ~~be~~ THE PERSON IS guilty of a mis-
 24 demeanor ~~— if~~ PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90
 25 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR BOTH.

26 (3) IF the money or personal property ~~so~~ embezzled, ~~is of~~
 27 ~~the~~ DISPOSED OF, CONVERTED, TAKEN, OR SECRETED HAS A value of

1 more than ~~-\$100.00~~ \$1,000.00, he ~~shall be~~ OR SHE IS guilty of
 2 a felony ~~, punishable by imprisonment in the state prison~~ FOR
 3 not more than 10 years or by a fine of not more than \$5,000.00.

4 (4) In ~~any~~ A prosecution ~~for such crime it shall be no~~
 5 UNDER THIS SECTION, IT IS NOT A defense that ~~such~~ THE agent,
 6 servant, employee, trustee, bailee, custodian, attorney-at-law,
 7 collector, or other person was entitled to a compensation out of
 8 ~~such~~ THE money or personal property as compensation for col-
 9 lecting or receiving ~~the same~~ IT for ~~and on behalf of the~~ ITS
 10 owner, ~~thereof~~, but it ~~shall be no~~ IS NOT embezzlement ~~on~~
 11 ~~the part of such~~ BY THE agent, servant, employee, trustee,
 12 bailee, custodian, attorney-at-law, collector, or other person to
 13 retain his OR HER reasonable collection fee on the collection or
 14 any other valid interest he ~~may have~~ OR SHE HAS in ~~such~~ THE
 15 money or personal property.

16 (5) In ~~any~~ A prosecution under this section, the failure,
 17 neglect, or refusal of ~~such~~ THE agent, servant, employee,
 18 trustee, bailee, custodian, attorney-at-law, collector, or other
 19 person to pay, deliver, or refund to the proper person ~~such~~ THE
 20 money or personal property entrusted to his OR HER care, upon
 21 demand, ~~shall be~~ IS prima facie proof of intent to embezzle.

22 Sec. 218. (1) ~~Any~~ A person who, with intent to defraud or
 23 cheat ~~, shall designedly,~~ AND by color of ~~any~~ A false token
 24 or writing, ~~or~~ by ~~any~~ A false or bogus check or other writ-
 25 ten, printed, or engraved instrument, by ~~spurious~~ COUNTERFEIT
 26 coin or metal ~~in the similitude of~~ THAT IS INTENDED TO SIMULATE
 27 A coin, or by any other false pretense ~~, cause any~~ DOES 1 OR

1 MORE OF THE FOLLOWING IS GUILTY OF A CRIME PUNISHABLE AS PROVIDED
2 IN THIS SECTION:

3 (A) CAUSES A person to grant, convey, assign, demise, lease,
4 or mortgage ~~any~~ land or AN interest in land. ~~, or obtain the~~

5 (B) OBTAINS A PERSON'S signature ~~of any person to any~~ ON A
6 FORGED written instrument. ~~, the making whereof would be punish-~~
7 ~~able as forgery, or obtain~~

8 (C) OBTAINS from ~~any~~ A person any money or personal prop-
9 erty or the use of any instrument, facility, ~~or~~ article, or
10 other valuable thing or service. ~~, or by~~

11 (D) BY means of ~~any false weights or measures obtain~~ A
12 FALSE WEIGHT OR MEASURE OBTAINS a larger amount or quantity of
13 property than was bargained for. ~~, or by~~

14 (E) BY means of ~~any false weights or measures sell or~~
15 ~~dispose~~ A FALSE WEIGHT OR MEASURE SELLS OR DISPOSES of a less
16 amount or quantity of property than was bargained for. ~~, if~~
17 ~~such~~

18 (2) IF THE land, ~~or~~ interest in land, money, personal
19 property, use of ~~such~~ THE instrument, facility, ~~or~~ article,
20 valuable thing, service, larger amount obtained, or less amount
21 disposed of ~~, shall be of the~~ HAS A value of ~~-\$100.00-~~
22 \$1,000.00 or less, ~~shall be~~ THE PERSON IS guilty of a misde-
23 meanor ~~, and if such~~ PUNISHABLE BY IMPRISONMENT FOR NOT MORE
24 THAN 90 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR BOTH.

25 (3) IF THE land, interest in land, money, personal property,
26 use of ~~such~~ THE instrument, facility, ~~or~~ article, valuable
27 thing, service, larger amount obtained, or less amount disposed

1 of ~~shall be of the~~ HAS A value of more than ~~-\$100.00-~~
2 \$1,000.00, ~~such~~ THE person ~~shall be~~ IS guilty of a felony ~~,~~
3 punishable by imprisonment ~~in the state prison~~ FOR not more
4 than 10 years or by a fine of not more than \$5,000.00.

5 Sec. 219a. ~~Any~~ A person who knowingly obtains or attempts
6 to obtain telephone service or the transmission of a telephone
7 message by ~~the use of any~~ USING A false or fictitious telephone
8 credit number or telephone number, or by ~~the use of any~~ USING
9 THE telephone credit number or telephone number of another PERSON
10 without the authority of the person to whom ~~such~~ THAT TELEPHONE
11 credit number or telephone number was issued, is guilty of a mis-
12 demeanor PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR
13 A FINE OF NOT MORE THAN \$500.00, OR BOTH. If the total value of
14 telephone service OR TRANSMISSION obtained OR ATTEMPTED TO BE
15 OBTAINED in ~~a manner prohibited by~~ VIOLATION OF this section
16 exceeds ~~-\$100.00-~~ \$1,000.00, the ~~offense shall be prosecuted as~~
17 PERSON IS GUILTY OF a felony PUNISHABLE BY IMPRISONMENT FOR NOT
18 MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN \$2,000.00, OR BOTH.

19 Sec. 282. (1) A person shall not do any of the following:
20 (a) Willfully or fraudulently injure, or fraudulently allow
21 to be injured, a meter, wire, line, pipe, or appliance belonging
22 to a ~~water, steam, electric, or gas company, or propane gas~~
23 ~~dealer or distributor~~ UTILITY.
24 (b) Willfully or fraudulently prevent a water, steam, elec-
25 tric, gas, or propane gas meter belonging to a ~~water, steam,~~
26 ~~electric, or gas company, or propane gas dealer or distributor~~
27 UTILITY from duly registering the quantity of water, steam,

1 electric current, gas, or propane gas measured through the meter
2 ~~—~~ or in any way hinder or interfere with the meter's proper
3 action or just registration.

4 (c) Attach a line, wire, or pipe to a UTILITY'S line, wire,
5 pipe, or main. ~~belonging to a water, steam, electric, or gas~~
6 ~~company, or propane gas dealer or distributor.~~ This subdivision
7 does not apply to the use of a ground wire to ground an electri-
8 cal system.

9 (d) Willfully or fraudulently interfere with a pressure reg-
10 ulator device on a propane gas tank or incorporated into a pro-
11 pane gas system.

12 (e) Use, ~~or~~ burn, or cause to be used or burned any water,
13 steam, electric current, gas, or propane gas supplied by a
14 ~~water, steam, electric, or gas company, or propane gas dealer or~~
15 ~~distributor,~~ UTILITY without the written consent of the ~~company~~
16 ~~or the propane gas dealer or distributor,~~ UTILITY or the
17 UTILITY'S authorized agent or officer ~~of the company or the pro-~~
18 ~~pane gas dealer or distributor,~~ unless the water, steam, elec-
19 tric current, gas, or propane gas passes through a meter or is
20 measured by a meter set by the ~~company or the propane gas dealer~~
21 ~~or distributor, fraudulently~~ UTILITY.

22 (F) FRAUDULENTLY use OR WASTE the water, steam, electric
23 current, gas, or propane gas ~~—, or fraudulently waste the water,~~
24 ~~steam, electric current, gas, or propane gas~~ supplied by a
25 ~~water, steam, electric, or gas company, or propane gas dealer or~~
26 ~~distributor~~ UTILITY.

1 (2) A person who violates subsection (1) is guilty of a
 2 misdemeanor PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS
 3 OR A FINE OF NOT MORE THAN \$500.00, OR BOTH, if the value of the
 4 water, steam, electric current, gas, or propane gas used, burned,
 5 or wasted ~~—~~ or the damage caused ~~—~~ as a result of the viola-
 6 tion ~~—~~ is not more than ~~-\$500.00-~~ \$1,000.00.

7 (3) A person who violates subsection (1) is guilty of a
 8 felony PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A
 9 FINE OF NOT MORE THAN \$2,000.00, OR BOTH, if the value of the
 10 water, steam, electric current, gas, or propane gas used, burned,
 11 or wasted ~~—~~ or the damage caused ~~—~~ as a result of the viola-
 12 tion ~~—~~ is more than ~~-\$500.00-~~ \$1,000.00.

13 (4) ~~(3)~~ A criminal prosecution under this section ~~shall~~
 14 DOES not ~~in any way~~ impair the UTILITY'S right ~~of the company~~
 15 ~~or the propane gas dealer or distributor~~ to full compensation in
 16 damages by civil action.

17 ~~(4) The provisions of this section shall extend and apply~~
 18 ~~to all offenses against all water, steam, electric, or gas com-~~
 19 ~~panies, or propane gas dealers or distributors, and boards or~~
 20 ~~municipalities owning or operating plants for producing, manufac-~~
 21 ~~turing, furnishing, transmitting, or conducting water, steam,~~
 22 ~~electricity, or gas, either natural, liquefied, or artificial.~~

23 (5) A person who attaches ~~any~~ A line, wire, or pipe or any
 24 other device or process to ~~any~~ A UTILITY line, wire, or pipe
 25 ~~of a water, steam, electric, or gas company, or propane gas~~
 26 ~~dealer or distributor which~~ THAT interferes with the proper
 27 operation and just registration of a meter ~~within the meaning~~

1 IN VIOLATION of this section ~~—~~ or who interferes with a
 2 pressure regulator device on a propane gas tank or incorporated
 3 into a propane gas system ~~—~~ is presumed to do so with intent to
 4 avoid ~~—~~ or to enable another PERSON to avoid ~~—~~ payment for
 5 the service involved.

6 (6) In ~~all~~ prosecutions under this section, proof that the
 7 defendant, other than a lessor, had control of or occupied the
 8 premises where the offense was committed ~~—~~ or received the ben-
 9 efit of the water, steam, electric current, gas, or propane gas
 10 used or consumed ~~—, shall be~~ IS prima facie evidence of a viola-
 11 tion of this section.

12 (7) AS USED IN THIS SECTION, "UTILITY" MEANS ANY OF THE
 13 FOLLOWING:

14 (A) A PERSON WHO PRODUCES, MANUFACTURES, FURNISHES, TRANS-
 15 MITS, OR CONDUCTS WATER, STEAM, ELECTRICITY, OR LIQUIFIED, NATU-
 16 RAL, OR ARTIFICIAL GAS FOR SALE OR RESALE, WHETHER PRIVATELY OR
 17 MUNICIPALLY OWNED.

18 (B) A PROPANE GAS DEALER OR DISTRIBUTOR.

19 Sec. 356. (1) ~~Any~~ A person who ~~shall commit the offense~~
 20 ~~of~~ COMMITS larceny ~~—~~ by stealing ~~—, of~~ FROM the property of
 21 another ~~—~~ PERSON any ~~money~~ OF THE FOLLOWING IS GUILTY OF A
 22 CRIME AS PROVIDED IN SUBSECTIONS (2) AND (3):

23 (A) MONEY, goods, or chattels. ~~—, or any~~

24 (B) A bank note, bank bill, bond, promissory note, due bill,
 25 bill of exchange or other bill, draft, order, or certificate. ~~—~~
 26 ~~or any~~

1 (C) A book of accounts for or concerning money or goods due,
2 ~~or~~ to become due, or to be delivered. ~~or any~~

3 (D) A deed or writing containing a conveyance of land ~~or~~
4 ~~any~~ OR other valuable contract in force. ~~, or any~~

5 (E) A receipt, release, or defeasance. ~~, or any~~

6 (F) A writ, process, or public record. ~~, if~~

7 (2) IF the property stolen ~~exceed the~~ HAS A value of
8 ~~\$100.00, shall be~~ MORE THAN \$1,000.00, THE PERSON IS guilty of
9 a felony ~~in the state prison~~ FOR
10 not more than 5 years or ~~by~~ A fine of not more than \$2,500.00.

11 (3) If the property stolen ~~shall be of the~~ HAS A value of
12 ~~\$100.00~~ \$1,000.00 or less, ~~such~~ THE person ~~shall be~~ IS
13 guilty of a misdemeanor PUNISHABLE BY IMPRISONMENT FOR NOT MORE
14 THAN 90 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR BOTH.

15 Sec. 356c. (1) A person who does any of the following in a
16 store or in its immediate vicinity is guilty of retail fraud in
17 the first degree, a felony punishable by imprisonment for not
18 more than 2 years ~~or~~ or a fine of not more than \$1,000.00, or
19 both:

20 (a) While a store is open to the public, alters, transfers,
21 removes and replaces, conceals, or otherwise misrepresents the
22 price at which property is offered for sale, with the intent not
23 to pay for the property or to pay less than the price at which
24 the property is offered for sale, if the resulting difference in
25 price is more than ~~\$100.00~~ \$1,000.00.

1 (b) While a store is open to the public, steals property of
2 the store that is offered for sale at a price of more than
3 ~~-\$100.00-~~ \$1,000.00.

4 (c) With intent to defraud, obtains or attempts to obtain
5 money or property from the store as a refund or exchange for
6 property that was not paid for and belongs to the store, if the
7 amount of money, or the value of the property, obtained or
8 attempted to be obtained is more than ~~-\$100.00-~~ \$1,000.00.

9 (2) A person who violates section 356d and has 1 or more
10 prior convictions under this section, section 218, 356, 356d, or
11 360, or a local ordinance substantially corresponding to this
12 section or section 218, 356, 356d, or 360 is guilty of retail
13 fraud in the first degree.

14 (3) A person who commits ~~the crime of~~ retail fraud in the
15 first degree shall not be prosecuted under the felony provision
16 of section 356, or under section 218 or 360.

17 Sec. 356d. (1) A person who does any of the following in a
18 store or in its immediate vicinity is guilty of retail fraud in
19 the second degree, a misdemeanor punishable by imprisonment for
20 not more than 93 days ~~—~~ or a fine of not more than ~~-\$100.00-~~
21 \$500.00, or both:

22 (a) While a store is open to the public, alters, transfers,
23 removes and replaces, conceals, or otherwise misrepresents the
24 price at which property is offered for sale ~~—~~ with the intent
25 not to pay for the property or to pay less than the price at
26 which the property is offered for sale.

1 (b) While a store is open to the public, steals property of
2 the store that is offered for sale.

3 (c) With intent to defraud, obtains or attempts to obtain
4 money or property from the store as a refund or exchange for
5 property that was not paid for and belongs to the store.

6 (2) A person who commits ~~the crime of~~ retail fraud in the
7 second degree shall not be prosecuted under the felony provision
8 of section 356, or under section 218 or 360.

9 Sec. 362a. (1) ~~Any~~ A person to whom a motor vehicle,
10 trailer, or other tangible property is delivered on a rental or
11 lease basis under ~~any~~ A WRITTEN agreement ~~in writing~~ provid-
12 ing for its return to a particular place at a particular time who
13 WITH INTENT TO DEFRAUD THE LESSOR refuses or ~~wilfully~~ WILLFULLY
14 neglects to return ~~such~~ THE vehicle, trailer, or other tangible
15 property ~~,~~ after ~~the~~ expiration of the time stated in a
16 WRITTEN notice ~~in writing proved to have been duly~~ mailed by
17 registered or certified mail addressed to ~~the~~ THAT PERSON'S
18 last known address ~~of the person who rented or leased the motor~~
19 ~~vehicle, trailer or other tangible property, and with intent to~~
20 ~~defraud the lessor,~~ is guilty of larceny.

21 (2) If the vehicle, trailer, or other tangible property
22 ~~exceeds the~~ HAS A value of ~~-\$100.00 he shall be~~ MORE THAN
23 \$1,000.00, THE PERSON IS guilty of a felony punishable by impris-
24 onment for not more than 2 years or ~~by~~ a fine of not more than
25 \$1,000.00, or both.

26 (3) If the vehicle, trailer, or other tangible property ~~is~~
27 ~~of the~~ HAS A value of ~~-\$100.00~~ \$1,000.00 or less, ~~he shall be~~

1 THE PERSON IS guilty of a misdemeanor PUNISHABLE BY IMPRISONMENT
 2 FOR NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR
 3 BOTH.

4 Sec. 377a. ~~Any~~ A person who ~~shall wilfully~~ WILLFULLY
 5 and maliciously ~~destroy or injure~~ DESTROYS OR INJURES the per-
 6 sonal property of another ~~, by any means not particularly men-~~
 7 ~~tioned or described in the preceding section, if the damage~~
 8 ~~resulting from such injury shall exceed \$100.00, shall be~~ PERSON
 9 IS GUILTY OF A CRIME AS FOLLOWS:

10 (A) IF THE AMOUNT OF THE DESTRUCTION OR INJURY IS MORE THAN
 11 \$1,000.00, THE PERSON IS guilty of a felony PUNISHABLE BY IMPRIS-
 12 ONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN
 13 \$2,000.00, OR BOTH.

14 (B) If the ~~damage done shall be \$100.00~~ AMOUNT OF THE
 15 DESTRUCTION OR INJURY IS \$1,000.00 or less, ~~such~~ THE person
 16 ~~shall be~~ IS guilty of a misdemeanor PUNISHABLE BY IMPRISONMENT
 17 FOR NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR
 18 BOTH.

19 Sec. 380. (1) ~~Any~~ A person ~~who~~ shall ~~wilfully~~ NOT
 20 WILLFULLY and maliciously destroy or injure ~~any~~ ANOTHER
 21 PERSON'S house, barn, or other building ~~of another,~~ or ~~the~~
 22 ITS appurtenances. ~~thereof, if the damage resulting from such~~
 23 ~~injury shall exceed \$100.00, shall be guilty of a felony. If the~~
 24 ~~damage done shall be \$100.00~~

25 (2) IF THE AMOUNT OF THE DESTRUCTION OR THE INJURY IS MORE
 26 THAN \$1,000.00, THE PERSON IS GUILTY OF A FELONY PUNISHABLE BY

1 IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR A FINE OF NOT MORE THAN
2 \$2,000.00, OR BOTH.

3 (3) IF THE AMOUNT OF THE DESTRUCTION OR INJURY IS \$1,000.00
4 or less, ~~he shall be~~ THE PERSON IS guilty of a misdemeanor
5 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF
6 NOT MORE THAN \$500.00, OR BOTH.

7 Sec. 387. (1) ~~Any~~ EXCEPT AS PROVIDED IN SUBSECTION (3), A
8 person, other than the burial right owner or his OR HER represen-
9 tative, heir at law, or a person having care, custody, or control
10 of a cemetery ~~by virtue of~~ PURSUANT TO law, A contract, or
11 other legal right, who ~~shall wilfully destroy, mutilate, deface,~~
12 ~~injure, or remove any~~ DOES 1 OR MORE OF THE FOLLOWING IS GUILTY
13 OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90
14 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR BOTH:

15 (A) WILLFULLY DESTROYS, MUTILATES, DEFACES, INJURES, OR
16 REMOVES A tomb, monument, gravestone, or other structure or thing
17 placed or designed for a memorial of the dead, or ~~any~~ A fence,
18 railing, curb, or other thing intended for the protection or for
19 the ornament of any tomb, monument, gravestone, or other struc-
20 ture ~~mentioned~~ DESCRIBED in this subsection ~~,~~ or ~~of~~ any
21 OTHER enclosure for the burial of the dead. ~~,~~ ~~or who shall wil-~~
22 ~~fully destroy, mutilate, remove, cut, break, or injure~~

23 (B) WILLFULLY DESTROYS, MUTILATES, REMOVES, CUTS, BREAKS, OR
24 INJURES any tree, shrub, or plant, ~~placed or being~~ within ~~any~~
25 ~~such enclosure, is guilty of a misdemeanor~~ AN ENCLOSURE FOR THE
26 BURIAL OF THE DEAD.

1 (2) Prosecution under ~~this~~ subsection (1) may commence
 2 upon complaint by the burial right owner or his OR HER
 3 representative, heir at law, or person having care, custody, or
 4 control of a cemetery, tomb, monument, gravestone, or other
 5 structure or thing ~~placed or designed for a memorial of the~~
 6 ~~dead, or any fence, railing, curb, or other thing intended for~~
 7 ~~the protection or for the ornament of any tomb, monument, grave-~~
 8 ~~stone, or other structure mentioned~~ DESCRIBED in ~~this~~ subsec-
 9 tion (1). ~~, or of any enclosure for the burial of the dead, or~~
 10 ~~tree, shrub, or plant.~~

11 (3) ~~(2)~~ A person is guilty of a felony punishable by
 12 imprisonment for not more than 5 years or ~~by~~ a fine of not more
 13 than \$2,500.00, or both, if the person does ~~either~~ AN ACT
 14 DESCRIBED IN SUBSECTION (1) TO WHICH 1 OR MORE of the following
 15 APPLY:

16 (a) ~~Does any act described in subsection (1) which~~ THE ACT
 17 causes damage in excess of ~~\$100.00~~ \$1,000.00.

18 (b) ~~Does any act described in subsection (1) which~~ THE ACT
 19 is directed against 2 or more separate burial rights or places
 20 ~~in whatever form~~ for tombs or for the memorial of the dead.

21 Sec. 535. (1) A person ~~who buys, receives, possesses, con-~~
 22 ~~ceals, or aids~~ SHALL NOT BUY, RECEIVE, POSSESS, CONCEAL, OR AID
 23 in the concealment of stolen, embezzled, or converted money,
 24 goods, or property knowing the money, goods, or property ~~to be~~
 25 IS stolen, embezzled, or converted. ~~, if~~

26 (2) IF the property purchased, received, possessed, or
 27 concealed ~~exceeds the value of \$100.00~~ HAS A VALUE OF MORE THAN

1 \$1,000.00, THE PERSON is guilty of a felony ~~—~~ punishable by
2 imprisonment for not more than 5 years ~~—~~ or ~~by~~ a fine of not
3 more than \$2,500.00, or both.

4 (3) If the property purchased, received, possessed, or con-
5 cealed ~~is of~~ HAS a value of ~~-\$100.00~~ \$1,000.00 or less, the
6 person is guilty of a misdemeanor PUNISHABLE BY IMPRISONMENT FOR
7 NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR
8 BOTH.

9 (4) On a third or subsequent conviction under this section,
10 the person is guilty of a felony ~~—~~ punishable by imprisonment
11 for not more than 5 years ~~—~~ or ~~by~~ a fine of not more than
12 \$2,500.00, or both, ~~although~~ WHETHER OR NOT the ~~value of the~~
13 property purchased, received, possessed, or concealed ~~does not~~
14 ~~exceed \$100.00~~ HAS A VALUE OF MORE THAN \$1,000.00.

15 (5) ~~(2)~~ A person who is a dealer in or collector of mer-
16 chandise or personal property, or the agent, employee, or repre-
17 sentative of a dealer or collector OF MERCHANDISE OR PERSONAL
18 PROPERTY who fails to ~~make reasonable inquiry that~~ REASONABLY
19 INQUIRE WHETHER the person selling or delivering the stolen,
20 embezzled, or converted property to the dealer or collector has a
21 legal right to do so or who buys or receives stolen, embezzled,
22 or converted property ~~which~~ THAT has a registration, serial, or
23 other identifying number altered or obliterated on an external
24 surface of the property, ~~shall be~~ IS presumed to have bought or
25 received the property knowing the property ~~to be~~ IS stolen,
26 embezzled, or converted. This presumption ~~may be rebutted by~~
27 ~~proof~~ IS REBUTTABLE.