

HOUSE BILL No. 6079

May 9, 2002, Introduced by Rep. Koetje and referred to the Committee on Criminal Justice.

A bill to amend 1931 PA 328, entitled "Michigan penal code," by amending sections 16, 25, 33, 34, 44, 45, 50c, 57, 60, 64, 90c, 113, 114, 123, 125, 138, 140, 149, 150, 151, 153, 172, 173, 183, 184, 191, 192, 197a, 215, 217, 217c, 219, 219a, 220, 240, 263, 264, 287, 288, 294, 295, 298, 301, 302, 304, 305, 306, 314, 330, 331, 335, 335a, 354, 359, 368, 371, 375, 389, 393, 396, 404, 407, 408, 410, 411a, 411d, 414, 428, 429, 430, 454, 466, 478, 482, 490a, 492, 502b, 508, 509, 519, 524, 537, 538, 540c, 540d, 540f, 540g, 540h, and 561 (MCL 750.16, 750.25, 750.33, 750.34, 750.44, 750.45, 750.50c, 750.57, 750.60, 750.64, 750.90c, 750.113, 750.114, 750.123, 750.125, 750.138, 750.140, 750.149, 750.150, 750.151, 750.153, 750.172, 750.173, 750.183, 750.184, 750.191, 750.192, 750.197a, 750.215, 750.217, 750.217c, 750.219, 750.219a, 750.220, 750.240, 750.263, 750.264, 750.287, 750.288, 750.294, 750.295, 750.298, 750.301, 750.302, 750.304, 750.305, 750.306, 750.314, 750.330, 750.331, 750.335, 750.335a, 750.354, 750.359, 750.368, 750.371, 750.375, 750.389, 750.393, 750.396, 750.404, 750.407, 750.408, 750.410, 750.411a, 750.411d, 750.414, 750.428, 750.429, 750.430, 750.454, 750.466, 750.478, 750.482, 750.490a, 750.492, 750.502b, 750.508, 750.509, 750.519, 750.524, 750.537, 750.538, 750.540c, 750.540d, 750.540f, 750.540g, 750.540h, and 750.561), section 50c as added by 1994 PA 336, section 90c as amended by 2001 PA 1, section 125 as amended by 1999 PA 251, sections 215, 371, 524, 537, and 538 as amended by 1991 PA 145, section 217c as added and section 368 as amended by 1998 PA 360, section 219a as amended by 1998 PA 312, sections 263 and 264 as amended by 1997 PA 155, section 302 as amended by 1989 PA 85, section 375 as amended by 1996 PA 206, section 411a as amended by 2000 PA 370, section 411d as added by 1980 PA 490, section 502b as amended by 1991 PA 44, section 508 as amended by 1990 PA 77, section 540c as amended and section 540h as added by 1996 PA 557, section 540d as amended by 1996 PA 329, section 540f as added by 1996 PA 333, and section 540g as amended by 1998 PA 311.

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House Bill No. 6079 as amended June 19, 2002

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[REDACTED]

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16. ~~Adulterating drugs or medicines in manner injuri-~~
2 ~~ous to health--Any~~ A person who ~~shall~~ fraudulently
3 ~~adulterate~~ ADULTERATES, for the purpose of sale, any drug or
4 medicine ~~, in such manner~~ SO as to render the ~~same~~ DRUG OR
5 MEDICINE injurious to health ~~, shall be~~ IS guilty of a misde-
6 meanor ~~, punishable by imprisonment in the county jail~~ FOR
7 not more than 1 year or ~~by~~ a fine of not more than ~~500~~
8 ~~dollars~~ \$1,000.00.

9 Sec. 25. (1) ~~Adulteration of butter and cream--Any~~ A
10 person [WHO] ~~, his agent or servant who shall, within this state, have~~

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1 ~~in his possession~~ POSSESSES with intent to sell, or offer or
2 expose for sale, or sell as butter or as cream, ~~any~~ A product
3 ~~which~~ THAT is adulterated within the meaning of this section ~~,~~
4 ~~shall be~~ IS guilty of a misdemeanor ~~,~~ punishable by imprison-
5 ment ~~in the county jail~~ FOR not more than 1 year or ~~by~~ a fine
6 of not more than ~~500 dollars~~ \$1,000.00.

7 (2) Butter ~~shall be deemed to be~~ IS adulterated within the
8 meaning of this section IF 1 OR BOTH OF THE FOLLOWING CONDITIONS
9 EXIST:

10 (A) ~~1. If the~~ THE fat content is not exclusively derived
11 from cow's milk. ~~→~~

12 (B) ~~2. If it~~ THE BUTTER contains less than ~~80 per cent~~
13 80% of milk fat. ~~→~~

14 (3) Cream ~~shall be deemed to be~~ IS adulterated within the
15 meaning of this section if ~~it~~ 1 OR MORE OF THE FOLLOWING CONDI-
16 TIONS EXIST:

17 (A) THE CREAM contains less than ~~18 per cent~~ 18% of milk
18 fat. ~~or~~

19 (B) THE CREAM is not that portion of milk, rich in milk fat,
20 ~~which~~ THAT rises to the surface of milk on standing, or is sep-
21 arated from it by centrifugal force. ~~,~~ ~~or~~

22 (C) THE CREAM is not clean.

23 Sec. 33. (1) ~~Any~~ A person ~~,~~ who, with intent to sell,
24 purchase, ~~or in anywise~~ dispose of, or acquire merchandise,
25 securities, service, or anything offered or sought by ~~such~~ THE
26 person, directly or indirectly, to or from the public for sale,
27 purchase, or distribution, or with intent to increase the

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1 consumption ~~thereof~~ OF MERCHANDISE, SECURITIES, SERVICE, OR
2 OTHER THING OFFERED OR SOUGHT, or to induce the public in any
3 manner to enter into ~~any~~ AN obligation relating ~~thereto or~~
4 ~~any~~ TO OR interest ~~therein~~ IN THE MERCHANDISE, SECURITIES,
5 SERVICE, OR OTHER THING OFFERED OR SOUGHT, makes, publishes, dis-
6 seminate, circulates, or places before the public, or causes
7 directly or indirectly to be made, published, disseminated,
8 circulated, or placed before or communicated to the public, ~~in~~
9 ~~this state,~~ in a newspaper or by radio broadcast, television,
10 telephone, or telegraph or other mode of communication or publi-
11 cation or in the form of a book, notice, handbill, poster, bill,
12 circular, pamphlet, letter, or communication, including communi-
13 cation by telephone or telegraph to 2 or more persons, or in any
14 other way, in advertisement of any sort regarding merchandise,
15 securities, service, or anything so offered to or sought from the
16 public, or regarding the motive or purpose of a sale, purchase,
17 distribution, or acquisition, which advertisement contains ~~any~~
18 AN assertion, representation, or statement or illustration,
19 including statements of present or former sale price or value,
20 which is ~~untrue~~ FALSE, deceptive, or misleading, or calculated
21 to subject ~~any~~ ANOTHER person to disadvantage or injury through
22 the publication of false or deceptive statements or as part of a
23 plan or scheme with the intent, design, or purpose not to sell
24 the merchandise, commodities, or service so advertised at the
25 price stated therein, or otherwise communicated, or with intent
26 not to sell the merchandise, commodities, or service so
27 advertised ~~shall be~~ IS guilty of a misdemeanor punishable by

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1 imprisonment ~~in the county jail~~ for not more than 1 year or
2 ~~by~~ a fine of not more than ~~\$500.00: Provided, however, That~~
3 ~~the provisions of this section shall~~ \$1,000.00.

4 (2) SUBSECTION (1) DOES not apply to ~~any~~ AN owner, pub-
5 lisher, printer, agent, or employee of a newspaper or other pub-
6 lication, periodical, or circular, or of a radio station or tele-
7 vision station, who in good faith and without knowledge of the
8 falsity or deceptive character thereof, publishes, causes to be
9 published, or takes part in the publication of ~~such~~ AN adver-
10 tisement ~~: Provided further, That with respect to use of a~~
11 ~~telephone by subscribers or users, the provisions of this section~~
12 ~~shall~~ DESCRIBED IN SUBSECTION (1).

13 (3) SUBSECTION (1) DOES not apply to any person, firm, or
14 corporation providing telephone service TO SUBSCRIBERS as a
15 public utility.

16 Sec. 34. ~~Immoral advertising--Any~~ A person who ~~shall~~
17 ~~advertise~~ ADVERTISES in his OR HER own name or in the name of
18 another person, firm or pretended firm, association, OR corpora-
19 tion or pretended corporation, in ~~any~~ A newspaper, pamphlet,
20 circular, periodical, or other written or printed paper, or the
21 owner, publisher, or manager of ~~any~~ A newspaper or periodical
22 who ~~shall permit~~ PERMITS to be published or inserted in ~~any~~ A
23 newspaper or periodical owned or controlled by him OR HER, an
24 advertisement of the treating or curing of venereal diseases, the
25 restoration of "~~Lost~~ LOST manhood" or "~~Lost~~ LOST vitality or
26 vigor", or ~~shall advertise~~ ADVERTISES in any manner that he OR
27 SHE is a specialist in diseases of the sexual organs, or diseases

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1 caused by sexual vice ~~, self-abuse~~ OR MASTURBATION, or in any
2 diseases of like cause, or shall advertise in any manner any med-
3 icine, drug, compound, appliance, or any means whatever whereby
4 sexual diseases of men or women may be cured or relieved, or mis-
5 carriage or abortion produced, ~~shall be~~ IS guilty of a misde-
6 meanor ~~, punishable by imprisonment in the county jail~~ FOR
7 not more than 1 year or ~~by~~ a fine of not more than ~~500~~
8 ~~dollars~~ \$1,000.00.

9 Sec. 44. ~~Trick or acrobatic flying--Any~~ AN aeronaut or
10 passenger who, while in flight over a thickly inhabited area or
11 over a public gathering ~~, within this state, shall engage~~
12 ENGAGES in trick or acrobatic flying ~~, or in any acrobatic feat~~
13 ~~, or, shall,~~ except while in landing or taking off, ~~fly~~
14 FLIES at such a low level as to endanger the persons on the sur-
15 face beneath, or drop or release any object or thing ~~which~~ THAT
16 may endanger life or injure property except when necessary to the
17 personal safety of the aeronaut or passenger, ~~shall be~~ IS
18 guilty of a misdemeanor punishable by imprisonment ~~in the county~~
19 ~~jail~~ FOR not more than 1 year or ~~by~~ a fine of not more than
20 ~~500 dollars~~ \$1,000.00.

21 Sec. 45. ~~Open air assemblies, flying over--Any~~ A person
22 who ~~shall operate any~~ OPERATES AN aircraft over open air assem-
23 blies of people at a height of less than 1,500 feet from the
24 ground ~~, shall be~~ IS guilty of a misdemeanor ~~, punishable by~~
25 imprisonment ~~in the county jail~~ FOR not more than 1 year or
26 ~~by~~ A fine of not more than ~~500 dollars:~~ ~~Provided, That this~~
27 \$1,000.00. THIS section ~~shall~~ DOES not apply to groups

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1 assembled for the purpose of witnessing aerial exhibitions and
2 stunt flying, nor to groups assembled at a flying field.

3 Sec. 50c. (1) As used in this section:

4 (a) "Dog handler" means a peace officer who has successfully
5 completed training in the handling of a police dog pursuant to a
6 policy of the law enforcement agency that employs that peace
7 officer.

8 (b) "Physical harm" means any injury to a dog's or horse's
9 physical condition.

10 (c) "Police dog" means a dog used by a law enforcement
11 agency of this state or of a local unit of government of this
12 state that is trained for law enforcement work and subject to the
13 control of a dog handler.

14 (d) "Police horse" means a horse used by a law enforcement
15 agency of this state or of a local unit of government of this
16 state for law enforcement work.

17 (e) "Serious physical harm" means any injury to a dog's or
18 horse's physical condition or welfare that is not necessarily
19 permanent but that constitutes substantial body disfigurement, or
20 that seriously impairs the function of a body organ or limb.

21 (2) A person shall not intentionally kill or cause serious
22 physical harm to a police dog or police horse.

23 (3) A person shall not intentionally cause physical harm to
24 a police dog or police horse.

25 (4) A person shall not intentionally harass or interfere
26 with a police dog or police horse lawfully performing its
27 duties.

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1 (5) A person who violates subsection (2) is guilty of a
2 felony punishable by imprisonment for not more than 5 years or a
3 fine of not more than \$2,500.00, or both.

4 (6) Except as provided in subsection (7), a person who vio-
5 lates subsection (3) or (4) is guilty of a misdemeanor punishable
6 by imprisonment for not more than 1 year or a fine of not more
7 than ~~-\$500.00-~~ \$1,000.00, or both.

8 (7) A person who violates subsection (3) or (4) while com-
9 mitting a crime is guilty of a felony punishable by imprisonment
10 for not more than 2 years or a fine of not more than ~~-\$1,000.00-~~
11 \$1,500.00, or both.

12 (8) This section does not prohibit an individual from being
13 charged with, convicted of, or punished for any other violation
14 of law committed by that individual while violating this
15 section.

16 Sec. 57. ~~Burial of dead animals--Any~~ A person ~~or persons~~
17 ~~who shall put any~~ WHO PLACES A dead animal or part of the car-
18 cass of ~~any~~ A dead animal ~~,~~ into ~~any~~ A lake, river, creek,
19 pond, road, street, alley, lane, lot, field, meador, or common,
20 or in any place within 1 mile of the residence of ~~any~~ A person,
21 ~~or persons,~~ except the same and every part ~~thereof be~~ OF THE
22 CARCASS IS buried at least 4 feet ~~under ground~~ UNDERGROUND, and
23 the owner or owners thereof who ~~shall~~ knowingly [~~permit~~ PERMITS] the
24 ~~same~~ CARCASS OR PART OF A CARCASS to remain in any of ~~the~~
25 ~~aforsaid~~ THOSE places, to the injury of the health, or to the
26 annoyance of ~~the citizens of this state, or any of them, shall~~
27 ~~be~~ ANOTHER IS guilty of a misdemeanor. ~~and every~~ EVERY 24

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1 hours ~~said~~ THAT THE owner ~~may permit the same~~ PERMITS THE
2 CARCASS OR PART OF A CARCASS to remain after ~~such~~ A conviction
3 ~~, shall be deemed~~ UNDER THIS SECTION IS an additional offense
4 ~~against the provisions of~~ UNDER this section, a misdemeanor ~~,~~
5 punishable by a fine of not less than ~~50 dollars nor~~ \$50.00 OR
6 more than ~~100 dollars,~~ \$500.00 or by imprisonment ~~of~~ FOR not
7 ~~less than 30 days nor~~ more than 90 days.

8 Sec. 60. (1) ~~Docking horses tails--Any~~ A person who
9 ~~shall cut~~ CUTS the bone of the tail of ~~any~~ A horse for the
10 purpose of docking the tail, or ~~any person~~ who ~~shall cause~~
11 CAUSES or knowingly ~~permit it~~ PERMITS THE CUTTING to be done
12 upon the premises of which he OR SHE is the owner, lessee,
13 proprietor, or user, or ~~any person~~ who ~~shall assist~~ ASSISTS
14 in ~~or be~~ IS present at such cutting, ~~shall be~~ IS guilty of a
15 misdemeanor ~~,~~ punishable by imprisonment ~~in the county jail~~
16 ~~of~~ FOR not more than 1 year or ~~by~~ a fine of not more than ~~500~~
17 ~~dollars:~~ ~~Provided, That such~~ \$1,000.00. HOWEVER, THIS SUBSEC-
18 TION DOES NOT APPLY TO THE cutting of the bone of the tail of
19 ~~any~~ A horse for the purpose of docking the tail ~~shall be~~
20 ~~lawful~~ when a certificate of a regularly qualified veterinary
21 surgeon ~~shall~~ IS first ~~be~~ obtained certifying that ~~such~~ THE
22 cutting is necessary for the health or safety of ~~such~~ THE
23 horse.

24 (2) If a horse ~~shall be~~ IS found with its tail ~~so~~ cut
25 and with the wound resulting from ~~such~~ THE cutting unhealed,
26 upon the premises of any person, ~~such~~ THOSE facts shall be
27 prima facie evidence that the person occupying or using the

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1 premises on which ~~such~~ THAT horse is ~~so~~ found has committed
2 the offense described in ~~this section~~ SUBSECTION (1).

3 (3) If a horse ~~shall be~~ IS found with its tail ~~so~~ cut
4 and with the wound resulting therefrom unhealed, in the charge or
5 custody of any person, ~~such~~ THAT fact shall be prima facie evi-
6 dence that the person having the charge or custody of ~~such~~ THAT
7 horse has committed the offense charged in ~~this section~~
8 SUBSECTION (1).

9 Sec. 64. ~~Penalty for failing to register docked~~
10 ~~horses~~ Any A person ~~or persons violating any of the~~
11 ~~provisions~~ WHO VIOLATES A PROVISION of this chapter by failing
12 to register ~~any~~ A docked horse ~~or horses,~~ as herein provided
13 ~~, shall be~~ IS guilty of a misdemeanor ~~,~~ punishable by impris-
14 onment ~~in the county jail~~ FOR not more than 6 months or ~~by~~ a
15 fine of not more than ~~250 dollars~~ \$750.00.

16 Sec. 90c. A person who commits a grossly negligent act
17 against a pregnant individual is guilty of a crime as follows:

18 (a) If the act results in a miscarriage or stillbirth by
19 that individual or death to the embryo or fetus, a felony punish-
20 able by imprisonment for not more than 15 years or a fine of not
21 more than \$7,500.00, or both.

22 (b) If the act results in great bodily harm to the embryo or
23 fetus, a felony punishable by imprisonment for not more than 5
24 years or a fine of not more than \$2,500.00, or both.

25 (c) If the act results in serious or aggravated physical
26 injury to the embryo or fetus, a misdemeanor punishable by

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1 imprisonment for not more than 6 months or a fine of not more
2 than \$500.00, or both.

3 (d) If the act results in physical injury to the embryo or
4 fetus, a misdemeanor punishable by imprisonment for not more than
5 93 days or a fine of not more than ~~-\$100.00-~~ \$500.00, or both.

6 Sec. 113. ~~Opening or attempting to open coin box,~~
7 ~~etc.--Any~~ A person who maliciously and ~~wilfully~~ WILLFULLY, by
8 and with the aid and use of any key, instrument, device, or
9 explosive, blows or attempts to blow, or forces or attempts to
10 force an entrance into any coin box, depository box, or other
11 receptacle established and maintained for the convenience of the
12 public, or of any person or persons, in making payment for any
13 article of merchandise or service, wherein is contained any money
14 or thing of value, or extracts or obtains, or attempts to extract
15 or obtain, therefrom any such money or thing of value so depos-
16 ited or contained therein, ~~shall be~~ IS guilty of a misdemeanor
17 ~~,~~ punishable by imprisonment ~~in the county jail~~ FOR not more
18 than 6 months or ~~by~~ a fine of not more than ~~250 dollars~~
19 \$750.00.

20 Sec. 114. ~~Breaking and entering outside show case,~~
21 ~~etc.--Any~~ A person who shall break and enter, or enter without
22 breaking, at any time, any outside ~~show case~~ SHOWCASE or other
23 outside enclosed counter used for the display of goods, wares, or
24 merchandise, with intent to commit the crime of larceny, ~~shall~~
25 ~~be~~ IS guilty of A misdemeanor ~~,~~ punishable by imprisonment ~~in~~
26 ~~the county jail~~ FOR not more than 6 months or ~~by~~ a fine of not
27 more than ~~250 dollars~~ \$750.00.

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1 Sec. 123. ~~Officer omitting duty for reward~~ Any A
2 sheriff, coroner, constable, peace officer, or any other officer
3 authorized to serve process or arrest or apprehend offenders
4 against criminal law who shall receive from a defendant or from
5 any other person any money or other valuable thing or any service
6 or promise to pay or give money or to perform or omit to perform
7 any act as a consideration, reward, or inducement, for omitting
8 or delaying to arrest any defendant, or to carry him OR HER
9 before a magistrate, or for delaying to take any person to
10 prison, or for postponing the sale of any property under an exe-
11 cution, or for omitting or delaying to perform any duty pertain-
12 ing to his OR HER office, ~~shall be~~ IS guilty of a misdemeanor
13 ~~, punishable by imprisonment in the county jail~~ FOR not more
14 than 6 months or ~~by~~ A fine of not more than ~~250 dollars~~.
15 ~~Provided, That if such~~ \$750.00. HOWEVER, IF THAT defendant
16 ~~shall be~~ IS charged with an offense against the criminal laws
17 of ~~the~~ THIS state, ~~of Michigan, any~~ AN officer convicted
18 under ~~the provisions of~~ this section ~~, may~~, ~~in the discre-~~
19 ~~tion of the court,~~ be punished by any fine or by any term of
20 imprisonment or both ~~such~~ A fine and imprisonment, within the
21 limits fixed by the statute ~~which such~~ THAT THE defendant is
22 charged with having violated.

23 Sec. 125. (1) A person shall not give, offer, or promise a
24 commission, gift, or gratuity to an agent, employee, or other
25 person or do or offer to do an act beneficial to an agent,
26 employee, or other person with intent to influence the action of

1 the agent or employee in relation to his or her principal's or
2 employer's business.

3 (2) An agent or employee shall not request or accept a com-
4 mission, gift, or gratuity, or a promise of a commission, gift,
5 or gratuity, for the agent, employee, or another person or the
6 doing of an act or offer of an act beneficial to the agent,
7 employee, or another person according to an agreement or under-
8 standing between the agent or employee and any other person that
9 the agent or employee shall act in a particular manner in rela-
10 tion to his or her principal's or employer's business.

11 (3) A person shall not use or give to an agent, employee, or
12 other person, and an agent or employee shall not use, approve, or
13 certify, with intent to deceive the principal or employer, a
14 receipt, account, invoice, or other document concerning which the
15 principal or employer is interested that contains a statement
16 that is materially false, erroneous, or defective or omits to
17 state fully any commission, money, property, or other valuable
18 thing given or agreed to be given to the agent or employee.

19 (4) Evidence is not admissible in any proceeding or prosecu-
20 tion under this section to show that a gift or acceptance of a
21 commission, money, property, or other valuable thing described in
22 this section is customary in a business, trade, or calling. The
23 customary nature of a transaction is not a defense in a proceed-
24 ing or prosecution under this section.

25 (5) In a proceeding or prosecution under this section, a
26 person shall not be excused from attending and testifying or from
27 producing documentary evidence pursuant to a subpoena on the

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1 ground that the testimony or evidence may tend to incriminate him
2 or her or subject him or her to a penalty or forfeiture.
3 Truthful testimony, evidence, or other truthful information com-
4 pelled under this section and any information derived directly or
5 indirectly from that truthful testimony, evidence, or other
6 truthful information shall not be used against the witness in a
7 criminal case, except for impeachment purposes or in a prosecu-
8 tion for perjury or otherwise failing to testify or produce evi-
9 dence as required.

10 (6) A person who violates this section is guilty of a misde-
11 meanor punishable by imprisonment for not more than 1 year or a
12 fine of not more than ~~-\$500.00-~~ \$1,000.00, or both.

13 Sec. 138. ~~Interfering with legal custody of dependent,~~
14 ~~neglected and delinquent children--Any~~ A person who ~~shall~~ in
15 any manner ~~interfere or attempt~~ INTERFERES OR ATTEMPTS to
16 interfere with the custody of any CHILD WHO HAS BEEN ADJUDGED TO
17 BE dependent, neglected, or delinquent ~~child who has been~~
18 ~~adjudged to be such~~ pursuant to ~~Act No. 6 of the Public Acts of~~
19 ~~1907, Extra Session, as amended, being sections 12834 to 12849,~~
20 ~~inclusive, of the Compiled Laws of 1929, subsequently to~~ CHAPTER
21 XIIIA OF THE PROBATE CODE OF 1939, 1939 PA 288, MCL 712A.1 TO
22 712A.32, AFTER the making of an order of commitment to a state
23 institution or otherwise, in accordance with ~~said~~ THAT act and
24 pending the actual admission and reception of ~~such~~ THE child as
25 an inmate of the institution, school, or home to which commitment
26 is made; and any person who ~~shall entice such~~ ENTICES THE
27 neglected, dependent, or delinquent child from and out of the

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1 custody of the person or persons entitled thereto under the order
2 of the court or who shall in any way interfere or attempt to
3 interfere with ~~such~~ THE custody; and ~~any~~ A person who ~~shall~~
4 ~~entice or procure any such~~ ENTICES OR PROCURES THE child commit-
5 ted as aforesaid to leave and depart from any hospital or other
6 place where ~~such~~ THE child ~~may have been~~ WAS placed pursuant
7 to the order of the court for the purpose of receiving medical
8 treatment pending admission into the state institution, school,
9 home, or other institution or place to which commitment may have
10 been made, ~~shall be~~ IS guilty of a misdemeanor ~~,~~ punishable
11 by imprisonment ~~in the county jail~~ FOR not more than 1 year ~~,~~
12 or ~~by~~ A fine of not more than ~~500 dollars~~ \$1,000.00.

13 Sec. 140. ~~Exhibition, etc., of children in certain~~
14 ~~cases~~ Any person having the care, custody, or control of any
15 child under 16 years of age, who shall exhibit, use, or employ,
16 or who shall apprentice, give away, let out, or otherwise dispose
17 of ~~any such~~ THE child to any person in or for the vocation,
18 service, or occupation of rope or wire walking, gymnast, contor-
19 tionist, rider, or acrobat, dancing, or begging in any place
20 whatsoever, or for any obscene, indecent, or immoral purpose,
21 exhibition, or practice whatsoever, or for any exhibition injuri-
22 ous to the health or dangerous to the life or limb of ~~such~~ THE
23 child, or who shall cause, procure, or encourage ~~such~~ THE child
24 to engage therein, and any person who shall take, receive, hire,
25 employ, use, exhibit, or have in custody any ~~such~~ child for any
26 of the purposes mentioned in this section, ~~shall be~~ IS guilty
27 of a misdemeanor ~~,~~ punishable by imprisonment ~~in the county~~

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1 ~~jail~~ FOR not more than 1 year or ~~by~~ a fine of not more than
2 ~~500 dollars~~ \$1,000.00.

3 Sec. 149. ~~Punishment~~ Any person having knowledge of the
4 commission of any offense punishable with death, or by imprison-
5 ment in the state prison, who shall take any money, or any gratu-
6 ity or reward, or any engagement therefor, upon an agreement or
7 understanding, express or implied, to compound or conceal such
8 offense, or not to prosecute therefor, or not to give evidence
9 thereof, shall, when such offense of which he OR SHE has knowl-
10 edge was punishable with death, or imprisonment in the state
11 prison for life, ~~be~~ IS guilty of a felony; and where the
12 offense, of which he OR SHE so had knowledge, was punishable in
13 any other manner, he ~~shall be~~ OR SHE IS guilty of a misdemeanor
14 ~~,~~ punishable by imprisonment ~~in the county jail~~ FOR not more
15 than 1 year ~~,~~ or ~~by~~ A fine of not more than ~~500 dollars~~
16 \$1,000.00.

17 Sec. 150. If any unmarried woman ~~shall conceal~~ CONCEALS
18 the death of any issue of her body, so that it may not be known
19 whether such issue was born alive or not, or whether it was not
20 murdered, she shall be punished by A fine not exceeding ~~100~~
21 ~~dollars,~~ \$1,000.00 or imprisonment ~~in the county jail~~ FOR not
22 more than 1 year.

23 Sec. 151. ~~Definition and punishment~~ All contracts,
24 agreements, understandings, and combinations made, entered into,
25 or knowingly assented to, by and between any parties capable of
26 making a contract or agreement which would be valid at law or in
27 equity, the purpose or object or intent of which shall be to

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1 limit, control, or in any manner to restrict or regulate the
2 amount of production or the quantity of any article or commodity
3 to be raised, or produced by mining, manufacture, agriculture, or
4 any other branch of business or labor, or to enhance, control or
5 regulate the market price thereof, or in any manner to prevent or
6 restrict free competition in the production or sale of any such
7 article or commodity, shall be illegal and void, and every such
8 contract, agreement, understanding, and combination shall consti-
9 tute a criminal conspiracy. And every person who, for himself OR
10 HERSELF personally, or as a member, or in the name of a partner-
11 ship, or as a member, agent, or officer of a corporation, or of
12 any association for business purposes of any kind, who shall
13 enter into or knowingly consent to any such void and illegal con-
14 tract, agreement, understanding, or combination, shall be deemed
15 a party to such conspiracy.

16 All parties so offending shall be guilty of a misdemeanor
17 ~~—~~ punishable by imprisonment in the county jail for not more
18 than 6 months or ~~by~~ a fine of not more than ~~250 dollars~~
19 \$750.00. And the prosecution for offenses under this section may
20 be instituted and the trial had in any county where any of the
21 conspirators become parties to such conspiracy, or in which any
22 ~~one~~ 1 of the conspirators shall reside. ~~—:— Provided, however,~~
23 ~~That this~~ THIS section shall in no manner invalidate or affect
24 contracts for what is known and recognized as common law and in
25 equity as contracts for the "good will of a trade or business";
26 but all such contracts shall be left to stand upon the same terms

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1 and within the same limitations recognized at common law and in
2 equity.

3 Sec. 153. ~~Carrying into effect such unlawful contracts--~~
4 The carrying into effect, in whole or in part, of any such ille-
5 gal contract, agreement, understanding, or combination as men-
6 tioned in the first section of this chapter and every act ~~which~~
7 THAT shall be done for that purpose by any of the parties or
8 through their agency or the agency of any ~~one~~ 1 of them, ~~shall~~
9 ~~constitute~~ CONSTITUTES a misdemeanor ~~,~~ punishable by imprison-
10 ment ~~in the county jail~~ FOR not more than 1 year ~~,~~ or ~~by~~ A
11 fine of not more than ~~500 dollars~~ \$1,000.00.

12 Sec. 172. ~~Accepting challenge and abetting a duel--~~ Any
13 person who shall accept any ~~such~~ challenge, or who shall know-
14 ingly carry or deliver any ~~such~~ challenge or message, whether a
15 duel ensue or not, and every person who shall be present at the
16 fighting of a duel with deadly weapons as an aid or second, or
17 surgeon, or who shall advise, encourage, or promote such duel,
18 ~~shall be~~ IS guilty of a misdemeanor ~~,~~ punishable by imprison-
19 ment ~~in the county jail~~ FOR not more than 1 year ~~,~~ or ~~by~~ A
20 fine of not more than ~~500 dollars,~~ \$1,000.00 and ~~shall~~ IS
21 also ~~be~~ disqualified as mentioned in the preceding section.

22 Sec. 173. ~~Posting for not accepting challenge to duel--~~
23 Any person who shall post or advertise another, or in writing or
24 print, use any reproachful or contemptuous language, to or con-
25 cerning another, for not fighting a duel, or for not sending or
26 accepting a challenge, ~~shall be~~ IS guilty of a misdemeanor ~~,~~

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1 punishable by imprisonment ~~in the county jail~~ FOR not more than
2 6 months or ~~by~~ A fine of not more than ~~250 dollars~~ \$750.00.

3 Sec. 183. ~~Aiding escape of and rescuing prisoners~~ Any
4 person who ~~shall convey~~ CONVEYS into any jail, prison, or other
5 like place of confinement, any disguise or any instrument, tool,
6 weapon, or other thing, adapted or useful to aid any prisoner in
7 making his OR HER escape, with intent to facilitate the escape of
8 any prisoner there lawfully committed or detained, or shall by
9 any means whatever, aid or assist any ~~such~~ prisoner in his OR
10 HER endeavor to ~~make his~~ escape therefrom, whether such escape
11 be effected or attempted, or not, and every person who shall
12 forcibly rescue any prisoner, held in custody upon any conviction
13 or charge of an offense, ~~shall be~~ IS guilty of a felony ~~,~~
14 punishable by imprisonment in the state prison not more than 7
15 years; or, if the person whose escape or rescue was effected or
16 intended, was charged with an offense not capital, nor punishable
17 by imprisonment in the state prison, then the offense mentioned
18 in this section shall be a misdemeanor and shall be punishable by
19 imprisonment ~~in the county jail~~ FOR not more than 1 year ~~,~~ or
20 ~~by~~ A fine of not more than ~~500 dollars~~ \$1,000.00.

21 Sec. 184. ~~Aiding escape from an officer~~ Any person who
22 shall aid or assist any prisoner in escaping or attempting to
23 escape from any officer or person who shall have the lawful cus-
24 tody of such prisoner ~~,~~ ~~shall be~~ IS guilty of a misdemeanor ~~,~~
25 punishable by imprisonment ~~in the county jail~~ FOR not more than
26 1 year ~~,~~ or ~~by~~ A fine of not more than ~~500 dollars~~
27 \$1,000.00.

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House Bill No. 6079 as amended June 19, 2002

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1 Sec. 191. ~~Refusing, omitting and delaying to arrest==~~ Any
2 officer authorized to serve process, who ~~shall wilfully~~
3 WILLFULLY and corruptly ~~refuse~~ REFUSES to execute any lawful
4 process to him OR HER directed, and requiring him OR HER to
5 apprehend or confine any person convicted or charged with an
6 offense, or who [~~shall~~] ~~wilfully~~ WILLFULLY and corruptly ~~omit or~~
7 ~~delay~~ OMITTS OR DELAYS to execute such process, whereby such
8 person shall escape and go at large, ~~shall be~~ IS guilty of a
9 misdemeanor ~~,~~ punishable by imprisonment ~~in the county jail~~
10 FOR not more than 1 year ~~,~~ or ~~by~~ a fine of not more than ~~500~~
11 ~~dollars~~ \$1,000.00.

12 Sec. 192. ~~Aiding escape of prisoners of Wisconsin being~~
13 ~~transported through Michigan--~~ It shall be lawful for any sher-
14 iff, coroner, constable, or other officer of the state of
15 Wisconsin or other person lawfully authorized under the laws of
16 the state of Wisconsin to act as any such officer, having in his
17 OR HER lawful custody any person or persons, arrested in the
18 state of Wisconsin, under a criminal warrant or process, or under
19 any writ, order, or process in a civil action or proceeding,
20 issued out of or by any court of said state of Wisconsin, or by
21 any officer of said state of Wisconsin, authorized to issue such
22 warrant, writ, process, or order, to convey or transport any
23 ~~such~~ THE prisoner through any portion of the state of Michigan,
24 whenever it shall be necessary or convenient so to do in order to
25 bring ~~such~~ THE prisoner before any such court or officer of the
26 state of Wisconsin, or to deliver ~~him~~ THE PRISONER to any
27 jailor, or commit ~~him~~ THE PRISONER to any prison of said state

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1 of Wisconsin, for any lawful purpose whatsoever. Any such
2 officer of the state of Wisconsin, ~~shall,~~ while in the state of
3 Michigan with any prisoner or prisoners in ~~his~~ THE OFFICER'S
4 custody for the purposes aforesaid, ~~have~~ HAS all the rights and
5 powers in relation to such prisoner or prisoners as would a sher-
6 iff of this state.

7 ~~It shall not be lawful for any~~ AN officer of ~~the~~ THIS
8 state ~~of Michigan to~~ SHALL NOT discharge any such prisoner from
9 custody under writ of habeas corpus or other proceeding brought
10 for that purpose, when it shall be made to appear that ~~such~~ THE
11 prisoner is in custody as in the preceding paragraph stated. And
12 it shall be a sufficient answer to said writ of habeas corpus or
13 other proceeding, by the officer or person having such custody,
14 that he OR SHE holds ~~such~~ THE prisoner by virtue of a lawful
15 warrant, writ, process, or order as in the preceding paragraph
16 stated, and he OR SHE shall annex to ~~such~~ THE answer a copy of
17 the warrant, writ, process, or order under which he OR SHE claims
18 custody of ~~such~~ THE prisoner.

19 Any person who shall in any manner aid or assist any ~~such~~
20 A prisoner so being conveyed or transported through ~~the~~ THIS
21 state ~~of Michigan,~~ to escape from the officer or person having
22 ~~him~~ THE PRISONER so in lawful custody, or who ~~shall resist any~~
23 ~~such~~ RESISTS THE officer or person ~~,~~ while engaged in convey-
24 ing or transporting ~~any such~~ THE prisoner through this state,
25 ~~shall be~~ IS guilty of a misdemeanor ~~,~~ punishable by imprison-
26 ment ~~in the county jail~~ FOR not more than 1 year ~~,~~ or ~~by~~ a
27 fine of not more than ~~500 dollars~~ \$1,000.00.

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1 Sec. 197a. ~~Any~~ A person who ~~shall break or escape~~
2 BREAKS OR ESCAPES from lawful custody under any criminal process,
3 including periods while at large on bail, ~~shall be~~ IS guilty of
4 a misdemeanor punishable by imprisonment ~~in the county jail~~ for
5 not more than 1 year ~~,~~ or ~~by~~ a fine of not more than
6 ~~\$500.00~~ \$1,000.00.

7 Sec. 215. Any person who falsely assumes or pretends to be
8 a sheriff, deputy sheriff, conservation officer, coroner, consta-
9 ble, police officer, or member of the Michigan state police, and
10 shall take upon himself or herself to act as such, or to require
11 any person to aid and assist him or her in any matter pertaining
12 to the duty of a sheriff, deputy sheriff, conservation officer,
13 coroner, constable, police officer, or member of the Michigan
14 state police, or shall falsely take upon himself or herself to
15 act or officiate in any office or place of authority, ~~shall be~~
16 IS guilty of a misdemeanor ~~,~~ punishable by imprisonment for not
17 more than 1 year ~~,~~ or ~~by~~ A fine of not more than ~~\$500.00~~
18 \$1,000.00.

19 Sec. 217. ~~Disguising with intent to intimidate, etc.--~~
20 Any person who ~~shall~~ in any manner ~~disguise~~ DISGUISES himself
21 ~~,~~ OR HERSELF with intent to obstruct the due execution of the
22 law, or with intent to intimidate, hinder or interrupt any offi-
23 cer or any other person ~~,~~ in the legal performance of his OR
24 HER duty, or the exercise of his OR HER rights under the consti-
25 tution and laws of this state, whether such intent be effected or
26 not, ~~shall be~~ IS guilty of a misdemeanor ~~,~~ punishable by

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1 imprisonment ~~in the county jail~~ FOR not more than 1 year or
2 ~~by~~ A fine of not more than ~~500 dollars~~ \$1,000.00.

3 Sec. 217c. (1) A person shall not impersonate, falsely rep-
4 resent himself or herself as, or falsely act as a public officer
5 or public employee and prepare, issue, serve, execute, or other-
6 wise act to further the operation of any legal process or unau-
7 thorized process that affects or purports to affect persons or
8 property.

9 (2) Except as provided in subsection (3) or (4), a person
10 who violates subsection (1) is guilty of a misdemeanor punishable
11 by imprisonment for not more than 1 year or a fine of not more
12 than ~~\$500.00~~ \$1,000.00, or both.

13 (3) A person who violates subsection (1) after a prior con-
14 viction for violating subsection (1) is guilty of a misdemeanor
15 punishable by imprisonment for not more than 2 years or a fine of
16 not more than ~~\$1,000.00~~ \$1,500.00, or both.

17 (4) A person who violates subsection (1) after 2 or more
18 prior convictions for violating subsection (1) is guilty of a
19 felony punishable by imprisonment for not more than 4 years or a
20 fine of not more than \$2,000.00, or both.

21 (5) This section does not prohibit a person from being
22 charged with, convicted of, or sentenced for any other violation
23 of law that individual commits while violating this section.

24 (6) This section does not prohibit individuals from assembl-
25 ing lawfully or lawful free expression of opinions or designation
26 of group affiliation or association.

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1 (7) As used in this section:

2 (a) "Lawful tribunal" means a tribunal created, established,
3 authorized, or sanctioned by law or a tribunal of a private
4 organization, association, or entity to the extent that the
5 organization, association, or entity seeks in a lawful manner to
6 affect only the rights or property of persons who are members or
7 associates of that organization, association, or entity.

8 (b) "Legal process" means a summons, complaint, pleading,
9 writ, warrant, injunction, notice, subpoena, lien, order, or
10 other document issued or entered by or on behalf of a court or
11 lawful tribunal or lawfully filed with or recorded by a govern-
12 mental agency that is used as a means of exercising or acquiring
13 jurisdiction over a person or property, to assert or give notice
14 of a legal claim against a person or property, or to direct per-
15 sons to take or refrain from an action.

16 (c) "Public employee" means an employee of this state, an
17 employee of a city, village, township, or county of this state,
18 or an employee of a department, board, agency, institution, com-
19 mission, authority, division, council, college, university,
20 court, school district, intermediate school district, special
21 district, or other public entity of this state or of a city, vil-
22 lage, township, or county in this state, but does not include a
23 person whose employment results from election or appointment.

24 (d) "Public officer" means a person who is elected or
25 appointed to any of the following:

26 (i) An office established by the state constitution of
27 1963.

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1 (ii) A public office of a city, village, township, or county
2 in this state.

3 (iii) A department, board, agency, institution, commission,
4 court, authority, division, council, college, university, school
5 district, intermediate school district, special district, or
6 other public entity of this state or a city, village, township,
7 or county in this state.

8 (e) "Unauthorized process" means either of the following:

9 (i) A document simulating legal process that is prepared or
10 issued by or on behalf of an entity that purports or represents
11 itself to be a lawful tribunal or a court, public officer, or
12 other agency created, established, authorized, or sanctioned by
13 law but that is not a lawful tribunal or a court, public officer,
14 or other agency created, established, authorized, or sanctioned
15 by law.

16 (ii) A document that would otherwise be legal process except
17 that it was not issued or entered by or on behalf of a court or
18 lawful tribunal or lawfully filed with or recorded by a govern-
19 mental agency as required by law.

20 Sec. 219. ~~Written false statements about financial condi-~~
21 ~~tion to obtain credit, etc.==~~ Any person ~~shall be~~ IS guilty of
22 a misdemeanor ~~—~~ punishable by imprisonment ~~in the county jail~~
23 for not more than 1 year ~~,~~ or ~~by~~ a fine of not more than ~~500~~
24 ~~dollars~~ \$1,000.00, who, either individually or in a representa-
25 tive capacity, DOES 1 OR MORE OF THE FOLLOWING:

26 (A) ~~First, shall knowingly make~~ KNOWINGLY MAKES a false
27 statement in writing to any person, firm or corporation engaged

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1 in banking or other business respecting his OR HER own financial
2 condition or the financial condition of any firm or corporation
3 with which he OR SHE is connected as a member, director, officer,
4 ~~employee~~ EMPLOYEE, or agent, for the purpose of procuring a loan
5 or credit in any form or an extension of credit from the person,
6 firm or corporation to whom ~~such~~ THE false statement is made,
7 either for his OR HER own use or for the use of the firm or cor-
8 poration with which he OR SHE is connected as aforesaid. ~~or~~

9 (B) ~~Second, having~~ HAVING previously made, or having
10 knowledge that another has previously made a statement in writing
11 to any person, firm, or corporation engaged in banking or other
12 business respecting his OR HER own financial condition or the
13 financial condition of any firm or corporation with which he OR
14 SHE is connected as aforesaid, shall afterwards procure on faith
15 of such statement from the person, firm, or corporation to whom
16 ~~such~~ THE previous statement has been made, either for his OR
17 HER own use or for the use of the firm or corporation with which
18 he OR SHE is so connected, a loan or credit in any form, or an
19 extension of credit, knowing at the time of ~~such~~ THE procuring
20 that ~~such~~ THE previously made statement is in any material par-
21 ticular false with respect to the present financial condition of
22 himself OR HERSELF or of the firm or corporation with which he OR
23 SHE is so connected. ~~or~~

24 (C) ~~Third, shall deliver~~ DELIVERS to any note broker or
25 other agent for the sale or negotiation of commercial paper, any
26 statement in writing, knowing ~~the same~~ IT to be false,
27 respecting his OR HER own financial condition or the financial

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1 condition of any firm or corporation with which he OR SHE is
2 connected as aforesaid, for the purpose of having ~~such~~ THE
3 statement used in furtherance of the sale, pledge, or negotiation
4 of any note, bill, or other instrument for the payment of money
5 made or endorsed or accepted or owned in whole or in part by him
6 OR HER individually or by the firm or corporation with which he
7 OR SHE is so connected. ~~or~~

8 (D) ~~Fourth, having~~ HAVING previously delivered or having
9 knowledge that another has previously delivered to any note
10 broker or other agent for the sale or negotiation of commercial
11 paper a statement in writing respecting his OR HER own financial
12 condition or the financial condition of any firm or corporation
13 with which he OR SHE is connected as aforesaid, shall afterwards
14 deliver to ~~such~~ THE note broker or other agent for the purpose
15 of sale, pledge, or negotiation on faith of ~~such~~ THE statement,
16 any note, bill, or other instrument for the payment of money made
17 or endorsed or accepted or owned in whole or in part by himself
18 OR HERSELF individually or by the firm or corporation with which
19 he OR SHE is so connected, knowing at the time that such previ-
20 ously delivered statement is in any material particular false as
21 to the present financial condition of himself OR HERSELF or of
22 such firm or corporation.

Sec. 219a. (1) A person shall not knowingly obtain or attempt to obtain telecommunications service with intent to avoid, attempt to avoid, or cause another person to avoid or attempt to avoid any lawful charge for that telecommunications service by using any of the following:

(a) A telecommunications access device. ~~without the authority or consent of the subscriber or lawful holder of that telecommunications access device.~~

(b) ~~A counterfeit~~ AN UNLAWFUL telecommunications access device.

(c) A fraudulent or deceptive scheme, pretense, method, or conspiracy, or any device or other means, including, but not limited to, any of the following:

(i) Using a false, altered, or stolen identification.

(ii) The use of a telecommunications access device to violate this section by a person other than the subscriber or lawful holder of the telecommunications access device ~~pursuant to~~ UNDER an exchange of anything of value to the subscriber or lawful holder to allow that

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unlawful use of the telecommunications access device.

~~(d) A telecommunications device or counterfeit telecommunications device.~~

(2) A person who violates subsection (1) is guilty of a crime as follows:

(a) If the total value of the telecommunications service obtained or attempted to be obtained is less than \$200.00, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00 or 3 times the total value of the telecommunications service obtained or attempted to be obtained, whichever is greater, or both imprisonment and a fine.

(b) If any of the following apply, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$2,000.00 or 3 times the total value of the telecommunications service obtained or attempted to be obtained, whichever is greater, or both imprisonment and a fine:

(i) The total value of the telecommunications service obtained or attempted to be obtained is \$200.00 or more but less than \$1,000.00.

(ii) The person violates subdivision (a) and has 1 or more prior convictions for committing or attempting to commit an offense under this section or former section 219c or a local ordinance substantially corresponding to this section or former section 219c.

(c) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$10,000.00 or 3 times the total value of the telecommunications service obtained or attempted to be obtained, whichever is greater, or both imprisonment and a fine:

(i) The total value of the telecommunications service obtained or attempted to be obtained is \$1,000.00 or more but less than \$20,000.00.

(ii) The person violates subdivision (b)(i) and has 1 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subparagraph, however, a prior conviction does not include a conviction for a violation or attempted violation of subdivision (a) or (b)(ii).

(d) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$15,000.00 or 3 times the value of the telecommunications service obtained or attempted to be obtained, whichever is greater, or both imprisonment and a fine:

(i) The total value of the telecommunications service obtained or attempted to be obtained is \$20,000.00 or more.

(ii) The person violates subdivision (c)(i) and has 2 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subparagraph, however, a prior conviction does not include a conviction for a violation or attempted violation of subdivision (a) or (b)(ii).

(3) The values of telecommunications service obtained or attempted to be obtained in separate incidents pursuant to a scheme or course of conduct within any 12-month period may be aggregated to determine the total value of the telecommunications service obtained or attempted to be obtained.

(4) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions shall be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following:

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- (a) A copy of the judgment of conviction.
- (b) A transcript of a prior trial, plea-taking, or sentencing.
- (c) Information contained in a presentence report.
- (d) The defendant's statement.

(5) If the sentence for a conviction under this section is enhanced by 1 or more prior convictions, those prior convictions shall not be used to further enhance the sentence for the conviction pursuant to section 10, 11, or 12 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12.

- (6) As used in this section:

~~(a) "Counterfeit telecommunications access device" means a telecommunications access device that is false, fraudulent, unlawful, not issued to a legitimate telecommunications access device subscriber account, or otherwise invalid or that is expired, suspended, revoked, canceled, or otherwise terminated if notice of the expiration, suspension, revocation, cancellation, or termination has been sent to the telecommunications access device subscriber.~~

~~(b) "Counterfeit telecommunications device" means a telecommunications device alone or with another telecommunications device that has been altered or programmed to acquire, intercept, receive, or otherwise facilitate the use of a telecommunications service without the authority or consent of the telecommunications service provider. Counterfeit telecommunications device includes, but is not limited to, a clone telephone, clone microchip, tumbler telephone, tumbler microchip, or wireless scanning device capable of acquiring, intercepting, receiving, or otherwise facilitating the use of a telecommunications service without immediate detection.~~

~~(c) "Telecommunications" means the origination, emission, transmission, or reception of data, images, signals, sounds, or other intelligence or equivalence of intelligence of any nature over any communications system by any method, including, but not limited to, electronic, magnetic, optical, digital, or analog.~~

~~(d) "Telecommunications access device" means an instrument, device, card, plate, code, telephone number, account number, personal identification number, electronic serial number, mobile identification number, counterfeit number, or financial transaction device as defined in section 157m that alone or with another telecommunications access device can acquire, intercept, provide, receive, use, or otherwise facilitate the use of a telecommunications device, counterfeit telecommunications device, or telecommunications service.~~

~~(e) "Telecommunications device" means any instrument, equipment, machine, or device that facilitates telecommunications. Telecommunications device includes, but is not limited to, a computer, computer chip or circuit, telephone, cellular telephone, pager, personal communications device, transponder, receiver, radio, modem, or device that enables use of a modem.~~

~~(f) "Telecommunications service" means providing, allowing, facilitating, or generating any form of telecommunications through the use of telecommunications devices or telecommunications access devices over a telecommunications system.~~

(A) "TELECOMMUNICATIONS" AND "TELECOMMUNICATIONS SERVICE" MEAN ANY SERVICE LAWFULLY PROVIDED FOR A CHARGE OR COMPENSATION TO FACILITATE THE ORIGINATION, TRANSMISSION, RETRANSMISSION, EMISSION, OR RECEPTION OF SIGNS, DATA, IMAGES, WRITINGS, SIGNALS, SOUNDS, OR OTHER INTELLIGENCE OR EQUIVALENCE OF INTELLIGENCE OF ANY NATURE OVER ANY TELECOMMUNICATIONS SYSTEM BY ANY METHOD, INCLUDING, BUT NOT LIMITED TO, ELECTRONIC, ELECTROMAGNETIC, MAGNETIC, OPTICAL, PHOTO-OPTICAL, DIGITAL, OR ANALOG TECHNOLOGIES.

- (B) "TELECOMMUNICATIONS ACCESS DEVICE" MEANS ANY OF THE FOLLOWING:

(i) ANY INSTRUMENT, DEVICE, CARD, PLATE, CODE, TELEPHONE NUMBER, ACCOUNT NUMBER, PERSONAL IDENTIFICATION NUMBER, ELECTRONIC SERIAL NUMBER,

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MOBILE IDENTIFICATION NUMBER. COUNTERFEIT NUMBER. OR FINANCIAL TRANSACTION DEVICE AS DEFINED IN SECTION 157M THAT ALONE OR WITH ANOTHER DEVICE CAN ACQUIRE. TRANSMIT. INTERCEPT. PROVIDE. RECEIVE. USE. OR OTHERWISE FACILITATE THE USE. ACQUISITION. INTERCEPTION. PROVISION, RECEPTION, AND TRANSMISSION OF ANY TELECOMMUNICATIONS SERVICE.

(ii) ANY TYPE OF INSTRUMENT. DEVICE. MACHINE. EQUIPMENT. TECHNOLOGY, OR SOFTWARE THAT FACILITATES TELECOMMUNICATIONS OR WHICH IS CAPABLE OF TRANSMITTING. ACQUIRING. INTERCEPTING. DECRYPTING. OR RECEIVING ANY TELEPHONIC. ELECTRONIC. DATA. INTERNET ACCESS. AUDIO. VIDEO. MICROWAVE, OR RADIO TRANSMISSIONS. SIGNALS. TELECOMMUNICATIONS. OR SERVICES, INCLUDING THE RECEIPT. ACQUISITION. INTERCEPTION. TRANSMISSION. RETRANSMISSION. OR DECRYPTION OF ALL TELECOMMUNICATIONS. TRANSMISSIONS. SIGNALS. OR SERVICES PROVIDED BY OR THROUGH ANY CABLE TELEVISION. FIBER OPTIC. TELEPHONE. SATELLITE. MICROWAVE. DATA TRANSMISSION. RADIO. INTERNET BASED OR WIRELESS DISTRIBUTION NETWORK. SYSTEM. OR FACILITY, OR ANY PART. ACCESSORY. OR COMPONENT. INCLUDING ANY COMPUTER CIRCUIT. SECURITY MODULE. SMART CARD. SOFTWARE. COMPUTER CHIP. PAGER. CELLULAR TELEPHONE. PERSONAL COMMUNICATIONS DEVICE. TRANSPONDER. RECEIVER. MODEM. ELECTRONIC MECHANISM OR OTHER COMPONENT. ACCESSORY. OR PART OF ANY OTHER DEVICE THAT IS CAPABLE OF FACILITATING THE INTERCEPTION. TRANSMISSION, RETRANSMISSION. DECRYPTION. ACQUISITION. OR RECEPTION OF ANY TELECOMMUNICATIONS. TRANSMISSIONS. SIGNALS. OR SERVICES.

(C) "TELECOMMUNICATIONS SERVICE PROVIDER" MEANS ANY OF THE FOLLOWING:

(i) A PERSON OR ENTITY PROVIDING A TELECOMMUNICATIONS SERVICE. WHETHER DIRECTLY OR INDIRECTLY AS A RESELLER. INCLUDING. BUT NOT LIMITED TO. A CELLULAR. PAGING. OR OTHER WIRELESS COMMUNICATIONS COMPANY OR OTHER PERSON OR ENTITY WHICH. FOR A FEE. SUPPLIES THE FACILITY, CELL SITE, MOBILE TELEPHONE SWITCHING OFFICE, OR OTHER EQUIPMENT OR TELECOMMUNICATIONS SERVICE.

(ii) A PERSON OR ENTITY OWNING OR OPERATING ANY FIBER OPTIC. CABLE TELEVISION. SATELLITE. INTERNET BASED. TELEPHONE. WIRELESS. MICROWAVE, DATA TRANSMISSION OR RADIO DISTRIBUTION SYSTEM, NETWORK, OR FACILITY.

(iii) A PERSON OR ENTITY PROVIDING ANY TELECOMMUNICATIONS SERVICE DIRECTLY OR INDIRECTLY BY OR THROUGH ANY DISTRIBUTION SYSTEMS, NETWORKS, OR FACILITIES.

(D) "TELECOMMUNICATIONS SYSTEM" MEANS ANY SYSTEM. NETWORK. OR FACILITY OWNED OR OPERATED BY A TELECOMMUNICATIONS SERVICE PROVIDER. INCLUDING ANY RADIO. TELEPHONE. FIBER OPTIC. CABLE TELEVISION. SATELLITE, MICROWAVE. DATA TRANSMISSION, WIRELESS, OR INTERNET BASED SYSTEM, NETWORK. OR FACILITY.

(E) "UNLAWFUL TELECOMMUNICATIONS ACCESS DEVICE" MEANS ANY OF THE FOLLOWING:

(i) A TELECOMMUNICATIONS ACCESS DEVICE THAT IS FALSE. FRAUDULENT, UNLAWFUL. NOT ISSUED TO A LEGITIMATE TELECOMMUNICATIONS ACCESS DEVICE SUBSCRIBER ACCOUNT. OR OTHERWISE INVALID OR THAT IS EXPIRED. SUSPENDED. REVOKED. CANCELED. OR OTHERWISE TERMINATED IF NOTICE OF THE EXPIRATION. SUSPENSION. REVOCATION. CANCELLATION. OR TERMINATION HAS BEEN SENT TO THE TELECOMMUNICATIONS ACCESS DEVICE SUBSCRIBER.

(ii) ANY PHONES ALTERED TO OBTAIN SERVICE WITHOUT THE EXPRESS AUTHORITY OR ACTUAL CONSENT OF THE TELECOMMUNICATIONS SERVICE PROVIDER. A CLONE TELEPHONE. CLONE MICROCHIP. TUMBLER TELEPHONE. TUMBLER MICROCHIP, OR WIRELESS SCANNING DEVICE CAPABLE OF ACQUIRING. INTERCEPTING. RECEIVING. OR OTHERWISE FACILITATING THE USE. ACQUISITION. INTERCEPTION. OR RECEIPT OF A TELECOMMUNICATIONS SERVICE WITHOUT THE EXPRESS AUTHORITY OR ACTUAL CONSENT OF THE TELECOMMUNICATIONS SERVICE PROVIDER.

(iii) ANY TELECOMMUNICATIONS ACCESS DEVICE THAT HAS BEEN MANUFACTURED. ASSEMBLED. ALTERED. DESIGNED. MODIFIED. PROGRAMMED. OR REPROGRAMMED. ALONE OR IN CONJUNCTION WITH ANOTHER DEVICE. SO AS TO BE CAPABLE OF FACILITATING THE DISRUPTION, ACQUISITION, INTERCEPTION, RECEIPT, TRANSMISSION,

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RETRANSMISSION, OR DECRYPTION OF A TELECOMMUNICATIONS SERVICE WITHOUT THE ACTUAL CONSENT OR EXPRESS AUTHORIZATION OF THE TELECOMMUNICATIONS SERVICE PROVIDER, INCLUDING, BUT NOT LIMITED TO, ANY DEVICE, TECHNOLOGY, PRODUCT, SERVICE, EQUIPMENT, COMPUTER SOFTWARE, OR COMPONENT OR PART, PRIMARILY DISTRIBUTED, SOLD, DESIGNED, ASSEMBLED, MANUFACTURED, MODIFIED, PROGRAMMED, REPROGRAMMED, OR USED FOR THE PURPOSE OF PROVIDING THE UNAUTHORIZED RECEIPT OF, TRANSMISSION OF, INTERCEPTION OF, DISRUPTION OF, DECRYPTION OF, ACCESS TO, OR ACQUISITION OF ANY TELECOMMUNICATIONS SERVICE PROVIDED BY ANY TELECOMMUNICATIONS SERVICE PROVIDER.

(iv) ANY TYPE OF INSTRUMENT, DEVICE, MACHINE, EQUIPMENT, TECHNOLOGY, OR SOFTWARE THAT IS PRIMARILY DESIGNED, ASSEMBLED, DEVELOPED, MANUFACTURED, SOLD, DISTRIBUTED, POSSESSED, USED, OR OFFERED, PROMOTED, OR ADVERTISED, FOR THE PURPOSE OF DEFEATING OR CIRCUMVENTING ANY TECHNOLOGY, DEVICE, OR SOFTWARE, OR ANY COMPONENT OR PART, USED BY THE PROVIDER, OWNER, OR LICENSEE OF ANY TELECOMMUNICATIONS SERVICE OR OF ANY DATA, AUDIO, OR VIDEO PROGRAMS OR TRANSMISSIONS, TO PROTECT ANY SUCH TELECOMMUNICATIONS, DATA, AUDIO, OR VIDEO SERVICES, PROGRAMS, OR TRANSMISSIONS FROM UNAUTHORIZED RECEIPT, ACQUISITION, INTERCEPTION, ACCESS, DECRYPTION, DISCLOSURE, COMMUNICATION, TRANSMISSION, OR RETRANSMISSION.

(F) ~~(a)~~ "Value of the telecommunications service obtained or attempted to be obtained" includes, but is not limited to, all of the following:

(i) Any lawful charge for telecommunications services avoided or attempted to be avoided.

(ii) The value of any other money, property, or telecommunications service lost, stolen, or rendered unrecoverable by the violation.

(iii) Any actual expenditure incurred by the victim to verify that a telecommunications device or telecommunications access device or telecommunications service was not altered, acquired, damaged, disrupted, destroyed, or stolen as a result of the violation.

(iv) THE VALUE OF ALL TELECOMMUNICATIONS SERVICES AVAILABLE TO THE VIOLATOR AND OTHERS AS A RESULT OF THE VIOLATION.

23 Sec. 220. ~~Written false statement of property valuation,~~
24 etc., to obtain credit== Any person who ~~wilfully~~ WILLFULLY and
25 knowingly makes any false statement in writing of his or her
26 property valuation, real or personal, or both, or of his or her
27 indebtedness, for the purpose of obtaining credit from any

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1 person, company, co-partnership, association, or corporation,
2 ~~shall be~~ IS guilty of a misdemeanor ~~,~~ punishable by imprison-
3 ment ~~in the county jail~~ for not more than 1 year or ~~by~~ A fine
4 of not more than ~~500 dollars~~ \$1,000.00.

5 Sec. 240. Any person who ~~shall knowingly and wilfully~~
6 ~~commit any one~~ KNOWINGLY AND WILLFULLY COMMITS 1 or more of the
7 following actions ~~shall be~~ IS guilty of a misdemeanor ~~and~~
8 ~~punished~~ PUNISHABLE by imprisonment for not more than 1 year and
9 ~~may be fined~~ A FINE OF not more than ~~\$500.00~~ \$1,000.00:

10 (a) Raise a false alarm of fire at any gathering or in any
11 public place. ~~→~~

12 (b) Ring any bell or operate any mechanical apparatus, elec-
13 trical apparatus or combination thereof, for the purpose of cre-
14 ating a false alarm of fire. ~~→~~

15 (c) Raise a false alarm of fire orally, by telephone or in
16 person.

17 Sec. 263. (1) A person who willfully counterfeits an iden-
18 tifying mark with intent to deceive or defraud another person or
19 to represent an item of property or service as bearing or identi-
20 fied by an authorized identifying mark is guilty of a misdemeanor
21 punishable by imprisonment for not more than 1 year or a fine of
22 not more than ~~\$500.00~~ \$1,000.00, or both.

23 (2) Except as provided in subsection (3), a person who will-
24 fully delivers, offers to deliver, uses, displays, advertises, or
25 possesses with intent to deliver any item of property or services
26 bearing, or identified by a counterfeit mark, is guilty of a
27 misdemeanor punishable by imprisonment for not more than 1 year

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1 or a fine of not more than ~~-\$500.00-~~ \$1,000.00 or 3 times the
2 aggregate value of the violation, whichever is greater, or both
3 imprisonment and a fine.

4 (3) A person who violates subsection (2) is guilty of a
5 felony punishable by imprisonment for not more than 5 years or a
6 fine of not more than \$50,000.00 or 3 times the aggregate value
7 of the violation, whichever is greater, or both imprisonment and
8 a fine, if any of the following apply:

9 (a) The person has a prior conviction under this section,
10 section 264 or 265a, or former section 265 or a law of the United
11 States or another state substantially corresponding to this sec-
12 tion, section 264 or 265a, or former section 265.

13 (b) The violation involved more than 100 items of property.

14 (c) The aggregate value of the violation is more than
15 \$1,000.00.

16 (4) A person who willfully manufactures or produces an item
17 of property bearing or identified by a counterfeit mark is guilty
18 of a felony punishable by imprisonment for not more than 5 years
19 or a fine of not more than \$50,000.00 or 3 times the aggregate
20 value of the violation, whichever is greater, or both imprison-
21 ment and a fine.

22 (5) Willful possession of more than 25 items of property
23 bearing or identified by a counterfeit mark gives rise to a
24 rebuttable presumption that the person possessed those items with
25 intent to deliver them in violation of subsection (2).

26 (6) Any item of property bearing a counterfeit mark shall be
27 seized under warrant or incident to a lawful arrest. An item of

1 property that bears a counterfeit mark is subject to forfeiture
2 in the same manner as provided in sections 4701 to 4709 of the
3 revised judicature act of 1961, 1961 PA 236, MCL 600.4701 to
4 600.4709. Upon determination that an item of property bears a
5 counterfeit mark, the court shall order the item forfeited and
6 shall do 1 of the following:

7 (a) If the owner of the identifying mark requests, return
8 the item to that owner for destruction or another disposition or
9 use approved by the court.

10 (b) In the absence of a request under subdivision (a), order
11 the seizing law enforcement agency to destroy the item as contra-
12 band or order an alternative disposition or use with the consent
13 of the owner of the identifying mark.

14 (7) As used in this section and section 264:

15 (a) "Aggregate value of the violation" means the total value
16 of all items of property or services bearing or identified by a
17 counterfeit mark and involved in the violation, determined using
18 the defendant's regular or intended selling price for each item
19 or service or, if an item of property is intended as a component
20 of a finished product, the defendant's regular or intended sell-
21 ing price of the finished product in which the component would be
22 used.

23 (b) "Counterfeit mark" means either of the following:

24 (i) A copy or imitation of an identifying mark without
25 authorization by the identifying mark's owner.

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1 (ii) An identifying mark affixed to an item of property or
2 identifying services without authorization by the identifying
3 mark's owner.

4 (c) "Deliver" means to actually or constructively transfer
5 or attempt to transfer an item of property from 1 person to
6 another, regardless of whether there is an agency relationship.

7 (d) "Identifying mark" means a trademark, service mark,
8 trade name, name, label, device, design, symbol, or word, in any
9 combination, lawfully adopted or used by a person to identify
10 items of property manufactured, sold, or licensed by the person
11 or services performed by the person.

12 (e) "Person" means an individual, partnership, corporation,
13 limited liability company, association, union, or other legal
14 entity. For purposes of ownership of an identifying mark, person
15 includes a governmental entity.

16 Sec. 264. A person who possesses a counterfeit mark with
17 intent to use or deliver it, who possesses a die, plate, engrav-
18 ing, template, pattern, or material with intent to create a coun-
19 terfeit mark, or who possesses an identifying mark without autho-
20 rization of the identifying mark's owner and with intent to
21 create a counterfeit mark is guilty of a misdemeanor punishable
22 by imprisonment for not more than 1 year or a fine of not more
23 than ~~-\$500.00-~~ \$1,000.00, or both.

24 Sec. 287. ~~Fraud in sale of articles marked "sterling" or~~
25 ~~"sterling silver"==~~ Any person who knowingly makes or sells, or
26 offers to sell or dispose of, or has in his OR HER possession
27 with intent to sell or dispose of, any article of merchandise

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1 marked, stamped, or branded with the words "sterling" or
2 "sterling silver", or encased or enclosed in any box, package,
3 cover, or wrapper, or other thing in or by which the ~~said~~ arti-
4 cle is packed, enclosed, or otherwise prepared for sale or dispo-
5 sition, having ~~thereon any~~ ON IT AN engraving or printed label,
6 stamp, imprint, mark, or ~~trade-mark~~ TRADEMARK, indicating or
7 denoting by ~~such~~ THE marking, stamping, branding, engraving, or
8 printing, that ~~such~~ THE article is silver, sterling silver, or
9 solid silver, unless 925/1000 of the component parts of the metal
10 of which the ~~said~~ article is manufactured are pure silver,
11 ~~shall be~~ IS guilty of a misdemeanor ~~—~~ punishable by imprison-
12 ment ~~in the county jail~~ for not more than 1 year or ~~by~~ a fine
13 of not more than ~~500 dollars~~ \$1,000.00.

14 Sec. 288. ~~Fraud in sale of articles marked "coin" or "coin~~
15 ~~silver"~~ Any person who knowingly makes or sells, or offers to
16 sell or dispose of, or has in his OR HER possession with intent
17 to sell or dispose of, any article of merchandise marked,
18 stamped, or branded with the words "coin", or "coin silver", or
19 encased or enclosed in any box, package, cover, or wrapper, or
20 other thing in or by which the ~~said~~ article is packed,
21 ~~inclosed~~ ENCLOSED or otherwise prepared for sale or disposi-
22 tion, having ~~thereon any~~ ON IT AN engraving or printed label,
23 stamp, imprint, mark, or ~~trade-mark~~ TRADEMARK, indicating or
24 denoting by ~~such~~ THE marking, stamping, branding, engraving, or
25 printing, that ~~such~~ THE article is coin or coin silver, unless
26 900/1000 of the component parts of the metal of which the ~~said~~
27 article is manufactured are pure silver, ~~shall be~~ IS guilty of

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1 a misdemeanor ~~—~~ punishable by imprisonment ~~in the county jail~~
2 ~~of~~ FOR not more than 1 year or ~~by~~ a fine of not more than ~~500~~
3 ~~dollars~~ \$1,000.00.

4 Sec. 294. ~~Fraudulent registration of animals as~~
5 ~~pure-bred~~— Any person who ~~shall~~ by fraud or misrepresentation
6 ~~obtain, or attempt~~ OBTAINS OR ATTEMPTS to obtain ~~—~~ the regis-
7 tration of animals as pure-bred upon the herd books of any of the
8 recognized registry associations, when such animals are not enti-
9 tled to ~~such~~ THAT registration, or who ~~shall~~ by fraud or mis-
10 representation ~~obtain, or attempt~~ OBTAINS OR ATTEMPTS to obtain
11 ~~—~~ any false record of the transfer of ownership of ~~any such~~
12 THE registered animals, or who ~~shall~~ designedly ~~make~~ MAKES
13 any false statements in reference to the breeding, ownership,
14 color, markings, or registration of animals or in reference to
15 any application for the registration or transfer of animals,
16 ~~shall be~~ IS guilty of a misdemeanor ~~—~~ punishable by imprison-
17 ment ~~in the county jail~~ for not more than 1 year or ~~by~~ a fine
18 of not more than ~~500 dollars~~ \$1,000.00.

19 Sec. 295. ~~Fraudulent practices in recording milk and~~
20 ~~butter fat production of cows~~— Any person who ~~shall connive~~
21 ~~at, commit or attempt~~ CONNIVES AT, COMMITS, OR ATTEMPTS to
22 commit any fraudulent or dishonest practice in connection with
23 the making of official or ~~semi-official~~ SEMIOFFICIAL records of
24 milk and butter fat production of cows, ~~shall be~~ IS guilty of a
25 misdemeanor ~~—~~ punishable by imprisonment ~~in the county jail~~
26 for not more than 1 year or ~~by~~ a fine of not more than ~~500~~
27 ~~dollars~~ \$1,000.00.

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1 Sec. 298. ~~Practicing medicine under false or assumed~~
2 ~~name~~ Any person who ~~shall practice~~ PRACTICES medicine or
3 ~~advertise~~ ADVERTISES to practice medicine under a false or
4 assumed name, or under a name other than his OR HER own, ~~shall~~
5 ~~be~~ IS guilty of a misdemeanor ~~,~~ punishable by imprisonment ~~in~~
6 ~~the county jail~~ FOR not more than 1 year or ~~by~~ a fine of not
7 more than ~~500 dollars~~ \$1,000.00.

8 Sec. 301. ~~Accepting money or valuable thing contingent~~
9 ~~upon result of contest or happening of uncertain event~~ Any
10 person or his OR HER agent or ~~employe~~ EMPLOYEE who, ~~shall,~~
11 directly or indirectly, ~~take, receive or accept~~ TAKES,
12 RECEIVES, OR ACCEPTS from any person any money or valuable thing
13 with the agreement, understanding or allegation that any money or
14 valuable thing will be paid or delivered to any person where
15 ~~such~~ THE payment or delivery is alleged to be or will be con-
16 tingent upon the result of any race, contest, or game or upon the
17 happening of any event not known by the parties to be certain,
18 ~~shall be~~ IS guilty of a misdemeanor ~~,~~ punishable by imprison-
19 ment ~~in the county jail~~ FOR not more than 1 year or ~~by~~ a fine
20 of not more than ~~500 dollars~~ \$1,000.00.

21 Sec. 302. (1) ~~Keeping and occupying building for gaming,~~
22 ~~etc.~~ Except as provided in subsection (2), any person, or his
23 OR HER agent or employee who, ~~shall,~~ directly or indirectly,
24 ~~keep or occupy or assist~~ KEEPS, OCCUPIES, OR ASSISTS in keeping
25 or occupying any common gambling house or any building or place
26 where gaming is permitted or suffered or who ~~shall suffer or~~
27 ~~permit~~ SUFFERS OR PERMITS on any premises owned, occupied, or

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1 controlled by him OR HER any apparatus used for gaming or
2 gambling or who shall use such apparatus for gaming or gambling
3 in any place within ~~the~~ THIS state, ~~of Michigan, shall be~~ IS
4 guilty of a misdemeanor ~~,~~ punishable by imprisonment ~~in the~~
5 ~~county jail~~ FOR not more than 1 year or ~~by~~ a fine of not more
6 than ~~\$500.00~~ \$1,000.00.

7 (2) This section does not prohibit the manufacture of gaming
8 or gambling apparatus or the possession of gaming or gambling
9 apparatus by the manufacturer of the apparatus solely for sale
10 outside of ~~the~~ THIS state, or for sale to a gambling establish-
11 ment operating within this state in compliance with the laws of
12 this state, if applicable, and in compliance with the laws of the
13 United States, provided the manufacturer meets or exceeds federal
14 government requirements in regard to manufacture, storage, and
15 transportation.

16 Sec. 304. ~~Selling pools and registering bets==~~ Any person
17 or his OR HER agent or ~~employee,~~ EMPLOYEE who, ~~shall,~~ directly
18 or indirectly, ~~keep, maintain, operate or occupy~~ KEEPS, MAIN-
19 TAINS, OPERATES, OR OCCUPIES any building or room or any part
20 ~~thereof~~ OF A BUILDING OR ROOM or any place with apparatus,
21 books, or any device for registering bets or buying or selling
22 pools upon the result of a trial or contest of skill, speed or
23 endurance or upon the result of a game, competition, political
24 nomination, appointment, or election or any purported event of
25 like character or who ~~shall register~~ REGISTERS bets or ~~buy or~~
26 ~~sell~~ BUYS OR SELLS pools, or who ~~shall be~~ IS concerned in
27 buying or selling pools or who ~~shall~~ knowingly ~~permit~~ PERMITS

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1 any grounds or premises, owned, occupied, or controlled by him OR
2 HER to be used for any of the purposes aforesaid, ~~shall be~~ IS
3 guilty of a misdemeanor ~~, punishable by imprisonment in the~~
4 ~~county jail~~ FOR not more than 1 year or ~~by~~ a fine of not more
5 than ~~500 dollars~~ \$1,000.00.

6 Sec. 305. (1) Any person, or his OR HER agent or employee
7 ~~, who, shall,~~ directly or indirectly, by means of any newspa-
8 per, periodical, poster, notice, or other mode of publication or
9 reproduction, ~~write, print, publish, advertise, deliver or dis-~~
10 ~~tribute or offer~~ WRITES, PRINTS, PUBLISHES, ADVERTISES, DELIV-
11 ERS, OR DISTRIBUTES OR OFFERS to deliver or distribute to the
12 public or to any part thereof or to any person, any statement or
13 information concerning the making or laying of wagers or bets or
14 the selling of pools or evidences of betting odds on any contest
15 or game or on the happening of any event not known by the parties
16 to be certain, or any purported event of like character, ~~shall~~
17 ~~be~~ IS guilty of a misdemeanor punishable by imprisonment ~~in the~~
18 ~~county jail~~ FOR not more than 1 year or ~~by~~ a fine of not more
19 than ~~\$500.00~~ \$1,000.00.

20 (2) The acts ~~herein~~ prohibited ~~may be deemed~~ IN SUBSEC-
21 TION (1) CONSTITUTE violations ~~hereof~~ OF SUBSECTION (1) when
22 committed before any game, contest, or event. ~~and the~~ THE
23 possession of evidence for the publication of any statement or
24 information concerning the making or laying of wagers or bets or
25 the selling of pools or betting odds ~~, shall in the same manner~~
26 ~~be deemed~~ ALSO CONSTITUTES a violation ~~, OF~~ OF SUBSECTION (1)
27 when possessed for publication before the act evidenced thereby.

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1 Sec. 306. (1) ~~Pool tickets, etc., declared nuisance==~~ All
2 policy or pool tickets, slips or checks, memoranda of any
3 combination, or other bet, manifold, or other policy or pool
4 books or sheets ~~,~~ are hereby declared a common nuisance and the
5 possession ~~thereof~~ OF 1 OR MORE OF THOSE ITEMS IS a misdemeanor
6 ~~,~~ punishable by imprisonment ~~in the county jail~~ FOR not more
7 than 1 year or ~~by~~ a fine of not more than ~~500 dollars~~
8 \$1,000.00.

9 (2) The possession of ~~any such~~ articles LISTED IN SUBSEC-
10 TION (1), or of any other implements, apparatus, or materials of
11 any other form of gaming, ~~shall be~~ IS prima facie evidence of
12 their use, by the person having them in possession, in the form
13 of gaming in which like articles are commonly used. And such
14 article found upon the person of one lawfully arrested for viola-
15 tion of any law relative to lotteries, policy lotteries or
16 policy, the buying or selling of pools or registering of bets or
17 other form of gaming ~~shall be~~ IS competent evidence upon the
18 trial of an indictment to which it may be relevant.

19 Sec. 314. ~~Winning at gambling==~~ Any person who by playing
20 at cards, dice, or any other game, or by betting or putting up
21 money on cards, or by any other means or device in the nature of
22 betting on cards, or betting of any kind, ~~shall win or obtain~~
23 WINS OR OBTAINS any sum of money or any goods, or any article of
24 value whatever, ~~shall,~~ IS GUILTY OF A MISDEMEANOR if the money,
25 goods, or articles so won or obtained ~~be~~ ARE of the value of
26 ~~50 dollars or less, be guilty of a misdemeanor~~ NOT MORE THAN
27 \$50.00. If the money, goods, or articles so won or obtained ~~be~~

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1 ARE of the value of more than ~~50 dollars such~~ \$50.00, THE
2 person ~~shall be~~ IS guilty of a misdemeanor ~~,~~ punishable by
3 imprisonment ~~in the county jail~~ for not more than 1 year ~~,~~ or
4 ~~by~~ a fine of not more than ~~500 dollars~~ \$1,000.00.

5 Sec. 330. ~~Publishing and selling betting odds on horse~~
6 ~~racess~~ Any person, firm, or corporation, who by means of any
7 newspaper, periodical, poster, notice, or other mode of publica-
8 tion or reproduction, ~~shall publish, or sell~~ PUBLISHES OR SELLS
9 reports of betting odds on horse races wherever conducted ~~shall~~
10 ~~be~~ IS guilty of a misdemeanor ~~,~~ punishable by imprisonment ~~in~~
11 ~~the county jail~~ FOR not more than 1 year or ~~by~~ a fine of not
12 more than ~~500 dollars~~ \$1,000.00.

13 This section ~~shall not be construed as applying~~ DOES NOT
14 APPLY to trotting or pacing races permitted to be held in this
15 state, nor to races conducted at state or county fairs or other
16 fairs conducted by agricultural societies; nor as prohibiting the
17 publication of matters pertaining to pedigrees, entries or
18 results of races excepted by this section, or programs for the
19 use solely of spectators at races nor to any publication designed
20 solely for the benefit of breeders or purchasers of stock.

21 Sec. 331. ~~Racing defined and punished~~ All running,
22 trotting, or pacing of horses, or any other animals, for any bet
23 or stakes, in money, goods, or other valuable thing, excepting
24 such as are by special laws for that purpose expressly allowed,
25 ~~shall be deemed~~ CONSTITUTE racing within the meaning of this
26 section, and are hereby declared to be common and public
27 nuisances and all parties concerned therein, either as authors,

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1 better, stakers, stake-holders, judges to determine the speed of
2 animals, riders, contrivers, or abettors thereof, ~~shall be~~ ARE
3 guilty of a misdemeanor ~~,~~ punishable by imprisonment ~~in the~~
4 ~~county jail~~ FOR not more than 1 year or ~~by~~ A fine of not more
5 than ~~500 dollars~~ \$1,000.00. ~~That~~ HOWEVER, THIS SECTION DOES
6 NOT APPLY TO the giving of premiums by agricultural and other
7 societies and associations ~~,~~ for the running and trotting of
8 horses at fairs or regularly appointed meetings. ~~, shall not be~~
9 ~~illegal or unlawful.~~

10 Every person who ~~shall contribute or collect~~ CONTRIBUTES
11 OR COLLECTS any money, goods, or things in action, for the pur-
12 pose of making up a purse, plate, or other valuable thing, to be
13 raced for by any animal, contrary to law, ~~shall be~~ IS guilty of
14 a misdemeanor.

15 Sec. 335. Any man or woman, not being married to each
16 other, who ~~shall~~ lewdly and lasciviously ~~associate and~~
17 ~~cohabit~~ ASSOCIATES AND COHABITS together, and any man or woman,
18 married or unmarried, who ~~shall be~~ IS guilty of open and gross
19 lewdness and lascivious behavior, ~~shall be~~ IS guilty of a mis-
20 demeanor ~~,~~ punishable by imprisonment ~~in the county jail~~ FOR
21 not more than 1 year, or ~~by~~ A fine of not more than ~~\$500.00~~
22 \$1,000.00. No prosecution shall be commenced under this section
23 after 1 year from the time of committing the offense.

24 Sec. 335a. Any person who shall knowingly make any open or
25 indecent exposure of his or her person or of the person of
26 another ~~shall be~~ IS guilty of a misdemeanor, punishable by
27 imprisonment ~~in the county jail~~ for not more than 1 year, or by

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1 a fine of not more than ~~-\$500.00~~ \$1,000.00, or if such person
2 was at the time of the said offense a sexually delinquent person,
3 may be punishable by imprisonment ~~in the state prison~~ for an
4 indeterminate term, the minimum of which shall be 1 day and the
5 maximum of which shall be life: Provided, That any other provi-
6 sion of any other statute notwithstanding, said offense shall be
7 triable only in a court of record.

8 Sec. 354. (1) ~~Unlawful for employers to require employes~~
9 ~~to insure with any particular company -- It shall hereafter be~~
10 ~~unlawful for any~~ A person doing business in this state or for
11 any of the agents of such person ~~to~~ SHALL NOT require any of
12 the ~~employes~~ EMPLOYEES of ~~such~~ THE person to take out or
13 obtain a life, accident, or life and accident policy in favor of
14 ~~such employe~~ THE EMPLOYEE or other person in any particular or
15 designated life, accident, or life and accident company or
16 association.

17 All contracts hereinafter made between any ~~such~~ person and
18 any ~~employe~~ EMPLOYEE of ~~said~~ THE person requiring or stipu-
19 lating that the ~~employe~~ EMPLOYEE so contracting shall procure,
20 obtain, or have a policy of insurance in any particular or desig-
21 nated company or association ~~shall be~~ ARE void. ~~--- Provided,~~
22 ~~That nothing in the foregoing provisions of this section is~~
23 ~~intended to prohibit, or shall be construed as prohibiting~~

24 (2) SUBSECTION (1) DOES NOT PROSCRIBE the employers of labor
25 and the persons employed from voluntarily making agreements with
26 each other for contributions of money by the latter to any fund
27 to be accumulated in their behalf and for their benefit in common

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1 with others, and in such case from further agreeing that the
2 employer may deduct from their wages, from time to time, the sums
3 due from them under such agreement.

4 (3) Any person who ~~shall violate any of~~ VIOLATES the pro-
5 visions of this section ~~shall be~~ IS guilty of a misdemeanor,
6 and where such person is a company or corporation, it shall be
7 punished by a fine of not more than ~~200 dollars~~ \$200.00 for
8 each and every offense, and any shareholder, officer, or agent of
9 any such company or corporation violating the provisions of this
10 section ~~,~~ shall be punished by imprisonment ~~in the county~~
11 ~~jail~~ FOR not more than 90 days ~~,~~ or ~~by~~ a fine of not more
12 than ~~100 dollars~~ \$500.00 for each offense.

13 Sec. 359. ~~Larceny, etc., from vacant building~~ Any
14 person or persons who shall steal or unlawfully remove or in any
15 manner damage any fixture, attachment, or other property belong-
16 ing to, connected with, or used in the construction of any vacant
17 structure or building, whether built or in the process of con-
18 struction or who shall break into any vacant structure or build-
19 ing with the intention of unlawfully removing, taking therefrom,
20 or in any manner damaging any fixture, attachment, or other prop-
21 erty belonging to, connected with, or used in the construction of
22 such vacant structure or building whether built or in the process
23 of construction, ~~shall be~~ IS guilty of a misdemeanor ~~,~~ pun-
24 ishable by imprisonment ~~in the county jail~~ FOR of not more than
25 1 year or ~~by~~ a fine of not more than ~~500 dollars~~ \$1,000.00.

26 Sec. 368. (1) A person or agent of a person shall not by
27 personal service, mail, or otherwise serve or cause to be served

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1 upon a debtor a notice or demand of payment of money on behalf of
2 a creditor that is not authorized by a statute or court of this
3 state and that simulates in form and substance legal process
4 issued out of a court of this state.

5 (2) A person shall not prepare, issue, serve, execute, or
6 otherwise act to further the operation of any unauthorized
7 process.

8 (3) Except as provided in subsection (4) or (5), a person
9 who violates this section is guilty of a misdemeanor punishable
10 by imprisonment for not more than 93 days or a fine of not more
11 than ~~\$100.00~~ \$500.00, or both.

12 (4) A person who violates subsection (2) after a prior con-
13 viction for violating this section is guilty of a misdemeanor
14 punishable by imprisonment for not more than 1 year or a fine of
15 not more than \$1,000.00, or both.

16 (5) A person who violates subsection (2) after 2 or more
17 prior convictions for violating this section is guilty of a
18 felony punishable by imprisonment for not more than 4 years or a
19 fine of not more than \$2,000.00, or both.

20 (6) This section does not apply to a lien authorized under a
21 statute of this state.

22 (7) This section does not prohibit a person from being
23 charged with, convicted of, or sentenced for any other violation
24 of law that individual commits while violating this section.

25 (8) This section does not prohibit individuals from assembl-
26 ing lawfully or lawful free expression of opinions or designation
27 of group affiliation or association.

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1 (9) As used in this section:

2 (a) "Lawful tribunal" means a tribunal created, established,
3 authorized, or sanctioned by law or a tribunal of a private
4 organization, association, or entity to the extent that the
5 organization, association, or entity seeks in a lawful manner to
6 affect only the rights or property of persons who are members or
7 associates of that organization, association, or entity.

8 (b) "Legal process" means a summons, complaint, pleading,
9 writ, warrant, injunction, notice, subpoena, lien, order, or
10 other document issued or entered by or on behalf of a court or
11 lawful tribunal or lawfully filed with or recorded by a govern-
12 mental agency that is used as a means of exercising or acquiring
13 jurisdiction over a person or property, to assert or give notice
14 of a legal claim against a person or property, or to direct per-
15 sons to take or refrain from an action.

16 (c) "Public employee" means an employee of this state, an
17 employee of a city, village, township, or county of this state,
18 or an employee of a department, board, agency, institution, com-
19 mission, authority, division, council, college, university,
20 court, school district, intermediate school district, special
21 district, or other public entity of this state or of a city, vil-
22 lage, township, or county in this state, but does not include a
23 person whose employment results from election or appointment.

24 (d) "Public officer" means a person who is elected or
25 appointed to any of the following:

26 (i) An office established by the state constitution of
27 1963.

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1 (ii) A public office of a city, village, township, or county
2 in this state.

3 (iii) A department, board, agency, institution, commission,
4 court, authority, division, council, college, university, school
5 district, intermediate school district, special district, or
6 other public entity of this state or a city, village, township,
7 or county in this state.

8 (e) "Unauthorized process" means either of the following:

9 (i) A document simulating legal process that is prepared or
10 issued by or on behalf of an entity that purports or represents
11 itself to be a lawful tribunal or a court, public officer, or
12 other agency created, established, authorized, or sanctioned by
13 law but that is not a lawful tribunal or a court, public officer,
14 or other agency created, established, authorized, or sanctioned
15 by law.

16 (ii) A document that would otherwise be legal process except
17 that it was not issued or entered by or on behalf of a court or
18 lawful tribunal or lawfully filed with or recorded by a govern-
19 mental agency as required by law. However, this subparagraph
20 does not apply to a document that would otherwise be legal pro-
21 cess but for 1 or more technical defects, including, but not
22 limited to, errors involving names, spelling, addresses, or time
23 of issue or filing or other defects that do not relate to the
24 substance of the claim or action underlying the document.

25 Sec. 371. Any person who ~~shall be~~ IS convicted of a
26 second or subsequent violation of ~~the provisions of~~ this
27 chapter ~~shall be~~ IS guilty of a misdemeanor ~~,~~ punishable by

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1 imprisonment for not more than 1 year or ~~by~~ A fine of not less
2 than ~~50 dollars~~ \$50.00 or more than ~~500 dollars~~ \$1,000.00.

3 Sec. 375. (1) Except in the case of a lottery or gift
4 enterprise conducted pursuant to section 372(2), a person shall
5 not advertise, print, or publish any lottery ticket or gift
6 enterprise or any share in a lottery ticket for sale either by
7 himself or herself or by another person.

8 (2) Except in the case of a lottery or gift enterprise con-
9 ducted pursuant to section 372(2), a person shall not set up or
10 exhibit or devise and make for the purpose of being set up and
11 exhibited any sign, symbol, or any emblematic or other represen-
12 tation of a lottery or gift enterprise or of its drawing in any
13 way indicating where a lottery ticket or a share in a lottery
14 ticket or any such writing, certificate, bill, goods, merchandise
15 or chattels, token, or other device may be purchased or obtained
16 and shall not in any way invite or entice, or attempt to entice,
17 any other person to purchase or receive the lottery ticket or a
18 share in a lottery ticket.

19 (3) A person violating this section is guilty of a misde-
20 meanor punishable by imprisonment for not more than 90 days or a
21 fine of not more than ~~\$100.00~~ \$500.00, or both.

22 Sec. 389. ~~False or malicious statements regarding frater-~~
23 ~~nal beneficiary societies, insurance companies, etc.--~~ Any
24 person who shall make, utter, circulate, or transmit to another
25 or others ~~—~~ any untrue, false, or malicious statement ~~—~~ as to
26 the financial condition of any fraternal beneficiary society,
27 insurance company, reciprocal exchange, or other insurer doing

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1 business in this state, and shall thereby injure any such
2 fraternal beneficiary society, insurance company, reciprocal
3 exchange, or other insurer, or who shall counsel, aid, procure,
4 or induce another to originate, make, utter, transmit, or circu-
5 late any such statement with like purpose ~~shall be~~ IS guilty of
6 a misdemeanor ~~,~~ punishable by imprisonment ~~in the county jail~~
7 FOR not more than 1 year or ~~by~~ a fine of not more than ~~500~~
8 ~~dollars~~ \$1,000.00.

9 Sec. 393. ~~Wilfully removing or destroying buoy or~~
10 ~~beacon~~ Any person who shall ~~wilfully~~ WILLFULLY remove or
11 destroy any buoy or beacon placed in any of the waters of the
12 state, by the authority of the United States, ~~shall be~~ IS
13 guilty of a misdemeanor ~~,~~ punishable by imprisonment ~~in the~~
14 ~~county jail~~ FOR not more than 1 year or ~~by~~ a fine of not more
15 than ~~500 dollars~~ \$1,000.00.

16 Sec. 396. ~~Wearing masks or face coverings in public--Any person~~
~~who shall assemble, march or parade on any street, highway or public~~
~~place in this state while wearing a mask or covering which conceals in~~
~~whole or in part, the face of the wearer, shall be guilty of a~~
~~misdemeanor: Provided, This chapter shall not apply to the pranks of~~
~~children on Hallowe'en, to those going to and from masquerade parties, to~~
~~those participating in any public parade of an educational, religious or~~
~~historical character and to those participating in the parades of~~
~~minstrel troupes, circuses or other amusement or dramatic shows. A~~
PERSON WHO INTENTIONALLY CONCEALS HIS OR HER IDENTITY BY WEARING A MASK
OR OTHER DEVICE COVERING HIS OR HER FACE FOR THE PURPOSE OF FACILITATING
THE COMMISSION OF A CRIME IS GUILTY OF A MISDEMEANOR PUNISHABLE BY
IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE THAN
\$500.00, OR BOTH.

17 Sec. 404. ~~Desertion after having been sworn into~~
18 ~~service~~ Any person who ~~shall have~~ HAS enlisted into the
19 service of the United States, or of this state, and who ~~shall~~
20 ~~have been~~ WAS sworn into such service, or who ~~shall offer~~
21 OFFERS himself OR HERSELF as a substitute for a citizen of this
22 state ~~,~~ duly drafted into the service of the United States or
23 of this state and ~~shall,~~ after ~~having been~~ BEING duly sworn
24 into such service, ~~desert~~ DESERTS the same, ~~shall be~~ IS
25 guilty of a misdemeanor ~~,~~ punishable by imprisonment ~~in the~~
26 ~~county jail~~ FOR not more than 1 year or ~~by~~ a fine of not more
than ~~500 dollars~~ \$1,000.00.

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1 Sec. 407. ~~Resisting and inciting resistance to military~~
2 ~~draft~~ Any person who, during any war, rebellion, or
3 insurrection against the United States, or against this state,
4 shall forcibly resist any military draft ordered by the authority
5 of the United States, or of this state, or shall incite,
6 encourage, or command any other person or persons so to resist
7 such draft, or shall unlawfully and ~~wilfully~~ WILLFULLY dis-
8 suade, discourage, or endeavor to hinder any other person or per-
9 sons from volunteering, enlisting, or mustering into the military
10 service of the United States, or of this state, or shall forcibly
11 resist, or attempt to resist, such volunteering, enlisting, or
12 mustering into such service, ~~shall be~~ IS guilty of a misde-
13 meanor ~~,~~ punishable by imprisonment ~~in the county jail~~ for
14 not more than 1 year or ~~by~~ a fine of not more than ~~500~~
15 ~~dollars~~ \$1,000.00.

16 Sec. 408. ~~Concealing or harboring deserters~~ Any person
17 who shall conceal or harbor any soldier or volunteer enlisted in
18 the service of the United States, or of this state, knowing him
19 OR HER to have deserted, and with intent to aid him OR HER in
20 such desertion, or shall refuse to deliver him OR HER up to the
21 orders of his OR HER commanding officer, ~~shall be~~ IS guilty of
22 a misdemeanor ~~,~~ punishable by imprisonment ~~in the county jail~~
23 FOR not more than 1 year or ~~by~~ a fine of not more than ~~500~~
24 ~~dollars~~ \$1,000.00.

25 Sec. 410. (1) A person, firm, copartnership, association,
26 or organization of any kind, either incorporated or
27 unincorporated, or any of the officers, agents, servants,

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1 employees, or members of any such person, firm, copartnership,
2 association, or organization of any kind, either incorporated or
3 unincorporated, or of any division, bureau, or committee of that
4 association or organization, either incorporated or unincorpor-
5 ated, who shall directly or indirectly, individually or by agent,
6 servant, employee, or member, solicit a person injured as the
7 result of an accident, his OR HER administrator, executor, heirs,
8 or assigns, his OR HER guardian, or members of the family of the
9 injured person, for the purpose of representing that person in
10 making a claim for damages or prosecuting an action or causes of
11 action arising out of a personal injury claim against any other
12 person, firm, or corporation, or to employ counsel for the pur-
13 pose of that solicitation, is guilty of a misdemeanor, and shall
14 upon conviction thereof, if a natural person, be punished by a
15 fine not to exceed ~~-\$500.00,~~ \$750.00 or by imprisonment for ~~a~~
16 ~~term not to exceed~~ NOT MORE THAN 6 months, or both. The same
17 penalties ~~shall~~ apply upon conviction to a member of a copart-
18 nership, or an officer or agent of a corporation, association, or
19 other organization, or an officer or agent, who shall consent to,
20 participate in, or aid or abet a violation of this section upon
21 the part of the copartnership of which he OR SHE is a member, or
22 of the corporation, association, or organization of which he OR
23 SHE is such an officer or agent. A contract entered into as a
24 result of such a solicitation is void. This subsection ~~shall~~
25 DOES not ~~affect~~ APPLY TO an unsolicited contract entered into
26 by a person, firm, or corporation with an attorney duly admitted
27 to practice law in this state.

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1 (2) Except as otherwise provided by law, administrative
2 rule, or valid legal process, any person, firm or corporation
3 who, for any consideration and without the prior written permis-
4 sion of a patient or his OR HER personal representative, fur-
5 nishes, receives, buys, offers to buy, sells, or offers to sell,
6 directly or indirectly, the identity of the patient or any infor-
7 mation concerning the treatment of the patient, including, but
8 not limited to, information contained in the files or records of
9 a health care facility, health care provider, or insurance com-
10 pany, is guilty of a misdemeanor punishable by imprisonment for
11 not more than 6 months or ~~by~~ a fine of not more than ~~-\$500.00~~
12 \$750.00, or both.

13 Sec. 411a. (1) Except as provided in subsection (2), a
14 person who intentionally makes a false report of the commission
15 of a crime to a member of the Michigan state police, a sheriff or
16 deputy sheriff, a police officer of a city or village, or any
17 other peace officer of this state knowing the report is false is
18 guilty of a crime as follows:

19 (a) If the report is a false report of a misdemeanor, the
20 person is guilty of a misdemeanor punishable by imprisonment for
21 not more than 93 days or a fine of not more than ~~-\$100.00~~
22 \$500.00, or both.

23 (b) If the report is a false report of a felony, the person
24 is guilty of a felony punishable by imprisonment for not more
25 than 4 years or a fine of not more than \$2,000.00, or both.

26 (2) A person shall not do either of the following:

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1 (a) Knowingly make a false report of a violation or
2 attempted violation of chapter XXXIII or section 327 or 328 and
3 communicate the false report to any other person.

4 (b) Threaten to violate chapter XXXIII or section 327 or 328
5 and communicate the threat to any other person.

6 (3) A person who violates subsection (2) is guilty of a
7 felony punishable as follows:

8 (a) For a first conviction under subsection (2), by impris-
9 onment for not more than 4 years or a fine of not more than
10 \$2,000.00, or both.

11 (b) For a second or subsequent conviction under subsection
12 (2), imprisonment for not more than 10 years or a fine of not
13 more than \$5,000.00, or both.

14 (4) The court may order a person convicted under subsection
15 (2) to pay to the state or a local unit of government the costs
16 of responding to the false report including, but not limited to,
17 use of police or fire emergency response vehicles and teams.

18 (5) If the person ordered to pay costs under subsection (4)
19 is a juvenile under the jurisdiction of the family division of
20 the circuit court under chapter 10 of the revised judicature act
21 of 1961, 1961 PA 236, MCL 600.1001 to 600.1043, all of the fol-
22 lowing apply:

23 (a) If the court determines that the juvenile is or will be
24 unable to pay all of the costs ordered, after notice to the
25 juvenile's parent or parents and an opportunity for the parent or
26 parents to be heard, the court may order the parent or parents
27 having supervisory responsibility for the juvenile, at the time

1 of the acts upon which the order is based, to pay any portion of
2 the costs ordered that is outstanding. An order under this sub-
3 section does not relieve the juvenile of his or her obligation to
4 pay the costs as ordered, but the amount owed by the juvenile
5 shall be offset by any amount paid by his or her parent. As used
6 in this subsection, "parent" does not include a foster parent.

7 (b) If the court orders a parent to pay costs under subdivi-
8 sion (a), the court shall take into account the financial
9 resources of the parent and the burden that the payment of the
10 costs will impose, with due regard to any other moral or legal
11 financial obligations that the parent may have. If a parent is
12 required to pay the costs under subdivision (a), the court shall
13 provide for payment to be made in specified installments and
14 within a specified period of time.

15 (c) A parent who has been ordered to pay the costs under
16 subdivision (a) may petition the court for a modification of the
17 amount of the costs owed by the parent or for a cancellation of
18 any unpaid portion of the parent's obligation. The court shall
19 cancel all or part of the parent's obligation due if the court
20 determines that payment of the amount due will impose a manifest
21 hardship on the parent.

22 (6) As used in this section:

23 (a) "Local unit of government" means:

24 (i) A city, village, township, or county.

25 (ii) A local or intermediate school district.

26 (iii) A public school academy.

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1 (iv) A community college.

2 (b) "State" includes a state institution of higher
3 education.

4 Sec. 411d. A person who, with the intent not to use the
5 assistance, knowingly causes or makes a request for the assist-
6 ance of an ambulance service or an advanced mobile emergency care
7 service is guilty of a misdemeanor ~~—~~, punishable by imprisonment
8 for not more than 1 year ~~—~~, or a fine of not more than ~~—\$500.00~~
9 \$1,000.00, or both.

10 Sec. 414. ~~Use of motor vehicle without authority but with-~~
11 ~~out intent to steal—~~ Any person who takes or uses without
12 authority any motor vehicle without intent to steal the same, or
13 who ~~shall be~~ IS a party to such unauthorized taking or using,
14 ~~shall upon conviction thereof be~~ IS guilty of a misdemeanor ~~—~~,
15 punishable by imprisonment ~~in the state prison~~ for not more
16 than 2 years or ~~by~~ a fine ~~or [of]~~ OF not more than ~~1,000~~
17 ~~dollars: Provided, That~~ \$1,500.00. HOWEVER, in case of A first
18 offense, the court may ~~in its discretion~~ reduce the punishment
19 to imprisonment ~~in the county jail~~ for ~~a term of~~ not more
20 than 3 months or a fine of not more than ~~100 dollars: Provided~~
21 ~~further, That the provisions of~~ \$500.00. HOWEVER, this section
22 ~~shall be construed to~~ DOES NOT apply to any person or persons
23 employed by the owner of said motor vehicle or ~~any one~~ ANYONE
24 else, who, by the nature of his OR HER employment, ~~shall have~~
25 HAS the charge of or the authority to drive said motor vehicle if
26 said motor vehicle is driven or used without the owner's
27 knowledge or consent.

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1 Sec. 428. ~~Splitting fees~~ Any physician or surgeon who
2 shall divide fees with or shall promise to pay a part of his OR
3 HER fee to or pay a commission to any other physician or surgeon
4 or person who calls him OR HER in consultation or sends patients
5 to him OR HER for treatment or operation, and any physician or
6 surgeon who shall receive any money prohibited by this section,
7 ~~shall be~~ IS guilty of a misdemeanor ~~,~~ punishable by imprison-
8 ment ~~in the county jail~~ FOR not more than 6 months or ~~by~~ a
9 fine of not more than ~~250 dollars~~ \$750.00.

10 ~~In case~~ IF a physician or surgeon ~~shall be~~ IS convicted
11 of violating ~~any of the provisions of~~ this section, the board
12 of registration in medicine, upon a first conviction, may and
13 upon a subsequent conviction shall, revoke the license of the
14 person so convicted.

15 Sec. 429. ~~Employing solicitors, cappers or drummers~~ Any
16 physician or surgeon engaged in the practice of medicine in this
17 state ~~,~~ who shall employ any solicitor, capper, or drummer for
18 the purpose of procuring patients, or who shall subsidize any
19 hotel or boarding house, or who shall pay or present to any
20 person money or other valuable gift for bringing patients to him
21 OR HER, ~~shall be~~ IS guilty of a misdemeanor ~~,~~ punishable by
22 imprisonment ~~in the county jail~~ for not more than 6 months or
23 ~~by~~ a fine of not more than ~~250 dollars~~ \$750.00.

24 Sec. 430. ~~Prescribing medicine, etc., while intoxicated~~
25 Any physician or other person who, while in a state of intoxica-
26 tion, ~~shall prescribe any~~ PRESCRIBES A poison, drug, or
27 medicine to another person ~~,~~ ~~shall be~~ IS guilty of a

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1 misdemeanor ~~—~~ punishable by imprisonment ~~in the county jail~~
2 FOR not more than 1 year or ~~by~~ a fine of not more than ~~500~~
3 ~~dollars~~ \$1,000.00.

4 Sec. 454. ~~Leasing house knowing it is to be used for pur-~~
5 ~~poses of prostitution, etc.~~ Any person who shall let any
6 dwelling house, knowing that the lessee intends to use it as a
7 house of ill-fame or place of resort for the purpose of prostitu-
8 tion and lewdness, or for the purpose of gambling for money or
9 other property, or who shall knowingly permit such lessee to use
10 the same for such purpose, or who shall receive any rent for any
11 dwelling, house, room, or apartment which is used as a house of
12 ill-fame or place of resort for prostitutes, or for the purpose
13 of prostitution and lewdness, or for the purpose of gambling for
14 money or other property, having reasonable cause to believe such
15 house, room, or apartment is used for any such purpose, ~~shall~~
16 ~~be~~ IS guilty of a misdemeanor ~~—~~ punishable by imprisonment ~~in~~
17 ~~the county jail~~ FOR not more than 6 months or ~~by~~ A fine of not
18 more than ~~250 dollars~~: ~~Provided, That~~ \$750.00. HOWEVER, no
19 person shall be liable for receiving rent as aforesaid for any
20 period prior to the time when he ~~shall have~~ OR SHE HAS reason-
21 able cause to believe that such house, room, or apartment is used
22 for any such purpose.

23 Sec. 466. ~~Selling diseased or unwholesome provisions with-~~
24 ~~out notice~~ Any person who shall knowingly sell any kind of
25 diseased, corrupted, or unwholesome provisions, whether for meat
26 or drink, without making the same fully known to the buyer ~~—~~
27 ~~shall be~~ IS guilty of a misdemeanor ~~—~~ punishable by

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1 imprisonment ~~in the county jail~~ FOR not more than 1 year or
2 ~~by~~ a fine of not more than ~~500 dollars~~ \$1,000.00.

3 Sec. 478. ~~Wilful neglect of duty~~ When any duty is or
4 shall be enjoined by law upon any public officer, or upon any
5 person holding any public trust or employment, every ~~wilful~~
6 WILLFUL neglect to perform such duty, where no special provision
7 shall have been made for the punishment of such delinquency,
8 ~~shall be deemed~~ CONSTITUTES a misdemeanor ~~,~~ punishable by
9 imprisonment ~~in the county jail~~ for not more than 1 year or
10 ~~by~~ a fine of not more than ~~500 dollars~~ \$1,000.00.

11 Sec. 482. ~~Neglecting or refusing to pay over moneys~~
12 ~~collected~~ Any officer who shall collect or receive any moneys
13 on account of any fine, penalty, forfeiture, or recognizance, and
14 shall neglect or refuse to pay over the same according to law, or
15 shall appropriate or dispose of the same to his OR HER own use,
16 or in any manner not authorized by law, ~~shall be~~ IS guilty of a
17 misdemeanor ~~,~~ punishable by imprisonment ~~in the county jail~~
18 FOR not more than 1 year or ~~by~~ a fine of not more than ~~500~~
19 ~~dollars~~ \$1,000.00.

20 Sec. 490a. ~~No~~ AN officer or employee of any governmental
21 agency ~~as defined in this section~~ shall NOT purchase or cause
22 to be purchased any goods, wares, or merchandise of any descrip-
23 tion ~~whatsoever~~ in the name of or on the credit of ~~such~~ THE
24 governmental agency for any other purpose than for use or resale
25 in the regular course of the official business of ~~such~~ THE gov-
26 ernmental agency; or sell or offer for sale goods, wares, or
27 merchandise purchased in the name of or on the credit of ~~such~~

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1 THE governmental agency, at any price other than the price at
2 which such goods are offered generally to the public by ~~such~~
3 THE governmental agency.

4 ~~For purposes of~~ AS USED IN this section, "governmental
5 agency" ~~shall be defined to mean~~ MEANS any and all branches or
6 departments of the state government; any and all branches or
7 departments of the government of any county, city, village,
8 school district, township, or other municipal corporation in this
9 state; and any commission, board, or other similar body organized
10 to assist in the conduct of the governmental or proprietary func-
11 tions of state or local government.

12 Any person who ~~shall violate any of the provisions of~~
13 VIOLATES this section ~~, shall be~~ IS guilty of a misdemeanor ~~,~~
14 punishable by imprisonment ~~in the county jail~~ FOR not more than
15 90 days or ~~by~~ a fine of not more than ~~\$100.00~~ \$500.00, or
16 ~~by~~ both. ~~such fine and imprisonment in the discretion of the~~
17 ~~court.~~

18 Sec. 492. Any officer having the custody of any county,
19 city, or township records in this state who shall when requested
20 fail or neglect to furnish proper and reasonable facilities for
21 the inspection and examination of the records and files in his OR
22 HER office and for making memoranda of transcripts therefrom
23 during the usual business hours, which shall not be less than 4
24 hours per day, to any person having occasion to make examination
25 of them for any lawful purpose ~~shall be~~ IS guilty of a misde-
26 meanor ~~,~~ punishable by imprisonment ~~in the county jail~~ FOR
27 not more than 1 year ~~,~~ or ~~by~~ a fine of not more than

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1 ~~—\$500.00—~~ \$1,000.00. The custodian of said records and files may
2 make such reasonable rules with reference to the inspection and
3 examination of them as shall be necessary for the protection of
4 said records and files ~~—,~~ and to prevent interference with the
5 regular discharge of the duties of such officer. The officer
6 shall prohibit the use of pen and ink in making copies or notes
7 of records and files in his OR HER office. No books, records,
8 and files shall be removed from the office of the custodian
9 thereof, except by the order of the judge of any court of compe-
10 tent jurisdiction, or in response to a subpoena duces tecum
11 issued therefrom, or for audit purposes conducted pursuant to
12 ~~Act No. 71 of the Public Acts of 1919, as amended, being sec-~~
13 ~~tions 21.41 to 21.53 of the Compiled Laws of 1948, Act No. 52 of~~
14 ~~the Public Acts of 1929, being sections 14.141 to 14.145 of the~~
15 ~~Compiled Laws of 1948 or Act No. 2 of the Public Acts of 1968,~~
16 ~~being sections 141.421 to 141.433 of the Compiled Laws of 1948~~
17 ~~1919 PA 71, MCL 21.41 TO 21.55, 1929 PA 52, MCL 14.141 TO 14.145,~~
18 ~~OR 1968 PA 2, MCL 141.421 TO 141.440A, with the permission of the~~
19 official having custody of the records if the official is given a
20 receipt listing the records being removed.

21 Sec. 502b. A person who knowingly sells or attempts to sell
22 to any person in this state, for use in atmospheric pressure
23 wick-feed illuminating apparatus or atmospheric pressure
24 wick-feed heating stoves or in gravity-feed cook stoves, any ker-
25 osene, whether manufactured in this state or not, that has a
26 flash point of less than 100 degrees Fahrenheit as determined by
27 an appropriate closed cup tester method specified in the American

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1 standards of testing materials standard for kerosene, is guilty
2 of a misdemeanor ~~—~~, punishable by imprisonment for not more than
3 6 months or ~~by~~ a fine of not more than ~~—\$300.00—~~ \$750.00, or
4 both.

5 Sec. 508. (1) Any person who shall equip a vehicle with a
6 radio receiving set that will receive signals sent on frequencies
7 assigned by the federal communications commission of the United
8 States of America for police purposes, or use the same in this
9 state unless ~~such~~ THE vehicle is used or owned by a peace offi-
10 cer, or a bona fide amateur radio operator holding a technician
11 class, general, advanced, or extra class amateur license issued
12 by the federal communications commission, without first securing
13 a permit so to do from the director of the department of state
14 police upon application as he or she may prescribe, ~~shall be~~ IS
15 guilty of a misdemeanor ~~—~~, punishable by imprisonment ~~in the~~
16 ~~county jail~~ for not more than 1 year ~~—~~, or ~~by~~ a fine of not
17 more than ~~—\$500.00—~~ \$1,000.00, or ~~by~~ both. ~~fine and imprison-~~
18 ~~ment in the discretion of the court.~~

19 (2) This section ~~shall not be construed as restricting~~
20 DOES NOT APPLY TO the use of radar detectors.

21 Sec. 509. ~~False reports to police radio broadcasting~~
22 ~~station—~~ Any person who shall ~~wilfully~~ WILLFULLY make to any
23 radio broadcasting station operated by any law enforcement agency
24 ~~—~~, any false, misleading, or unfounded report, for the purpose
25 of interfering with the operation thereof, or with the intention
26 of misleading any peace officer or officers of this state, ~~shall~~
27 ~~be~~ IS guilty of a misdemeanor ~~—~~, punishable by imprisonment ~~in~~

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1 ~~the county jail~~ FOR not more than 1 year or ~~by~~ a fine of not
2 more than ~~-\$500.00-~~ \$1,000.00.

3 Sec. 519. ~~Disciplining or discharging railroad employe~~
4 ~~upon report of railroad detective--It shall be unlawful for any~~
5 A common carrier by railroad, its agents, superintendents, manag-
6 ers, or ~~employes~~ EMPLOYEES owning or operating any line or
7 lines of railroad in this state and engaged in commerce by rail-
8 road, employing any special agent, detective, or person commonly
9 known as a spotter for the purpose of investigation and obtaining
10 and reporting to the employer, its agents, superintendents, or
11 managers information concerning its ~~employes to~~ EMPLOYEES SHALL
12 NOT discipline or discharge any of its ~~employes where such~~
13 EMPLOYEES IF THE act of discipline or discharge is based upon the
14 report of such special agent, detective, or spotter, which
15 involves a question of integrity, honesty, or breach of any rule
16 of the employer, unless such employer, its agents,
17 superintendents, or managers ~~shall~~ first give notice to such
18 ~~employe~~ EMPLOYEE so reported and grant a hearing to ~~him~~ THE
19 EMPLOYEE when he OR SHE so requests and, upon demand by said
20 ~~employe~~ EMPLOYEE, the employer at ~~such~~ THE hearing shall
21 state the specific charges against ~~said employe~~ THE EMPLOYEE,
22 and the accused ~~employe~~ EMPLOYEE shall have the right to demand
23 and be confronted with the person making such report to his OR
24 HER employer, ~~and to~~ have the right at ~~such~~ THE hearing to
25 cross-examine the agent, detective, or spotter making ~~such~~ THE
26 report, and ~~shall~~ have the right to employ counsel to represent
27 him OR HER at ~~such~~ THE hearing.

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1 Any common carrier by railroad or any of its agents,
2 superintendents, general managers, officers, or ~~employees violat-~~
3 ~~ing any of the provisions of~~ EMPLOYEES THAT VIOLATE this section
4 ~~shall be~~ ARE guilty of a misdemeanor ~~,~~ punishable by impris-
5 onment ~~in the county jail~~ for not more than 6 months ~~,~~ or
6 ~~by~~ a fine of not more than ~~250 dollars~~ \$750.00. In any case
7 of the violation of this section by any of the officers, agents,
8 or ~~employees~~ EMPLOYEES of any such common carrier by railroad,
9 the imprisonment provided herein if imposed shall be imposed upon
10 ~~such~~ THE officers or agents committing ~~such~~ THE offense.

11 Sec. 524. Any mayor, alderman, supervisor, president,
12 trustee or member of a common council, sheriff, or deputy sher-
13 iff, having notice of any such riotous or tumultuous and unlawful
14 assembly as is mentioned in this chapter, in the township, city,
15 or village in which he or she lives, who shall neglect or refuse
16 immediately to proceed to the place of such assembly, or as near
17 as he or she can with safety, or shall omit or neglect to exer-
18 cise the authority with which he or she is invested by this chap-
19 ter, for suppressing such riotous or unlawful assembly, and for
20 arresting and securing the offenders, ~~shall be~~ IS guilty of a
21 misdemeanor ~~,~~ punishable by imprisonment for not more than 6
22 months or a fine of not more than ~~\$250.00~~ \$750.00.

23 Sec. 537. ~~No~~ A person working in any copper or silver
24 mine of this state, or any person in behalf of such person, shall
25 NOT sell, barter, transfer, or ship any copper or silver ore,
26 bullion, pig, or copper or silver in the raw or unmanufactured
27 state, and ~~no person~~ shall NOT be a party to any barter,

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1 transfer, or sale, or aid or assist therein, unless a memorandum
2 be filed with the county clerk of the county where ~~such~~ THE
3 barter, transfer, or sale shall take place, giving the names of
4 the parties making such barter, transfer, sale, or shipment, the
5 dates, consideration, and the origin of the copper or silver so
6 bartered, transferred, sold, or shipped, and in all cases where
7 the origin of said copper or silver is not known to the parties,
8 no barter, transfer, sale, or shipment shall be made without a
9 certificate being attached to such memorandum of sale duly signed
10 by the county clerk or by a constable or deputy sheriff, judge,
11 stating in substance that he or she has investigated the source
12 or origin of the copper or silver so to be bartered, transferred,
13 sold, or shipped and that in his or her opinion the articles have
14 not been stolen, and that the parties thereto have a right to
15 transfer or sell the ~~same~~ ARTICLES. This section ~~shall~~ DOES
16 not apply to any person authorized to act in behalf of a person,
17 firm, or corporation engaged in the business of mining copper or
18 silver as owner. Any person violating the provisions of this
19 section ~~shall be~~ IS guilty of a misdemeanor ~~—,~~ punishable by
20 imprisonment ~~in the county jail~~ FOR not more than 1 year or
21 ~~by~~ a fine of not more than ~~\$500.00~~ \$1,000.00.

22 Sec. 538. (1) Any sales, transfers, or shipments of copper
23 or silver ore, bullion, pig, or copper or silver in the raw or
24 unmanufactured state in any county of this state where copper and
25 silver are mined, by any person not engaged in the business of
26 mining or producing copper or silver ore, bullion, pig, or copper
27 or silver in the unmanufactured state, shall be unlawful unless

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1 and until a memorandum thereof shall be filed with the county
2 clerk of the county where such sale or transfer shall take place,
3 giving the names of the parties, the dates, consideration, and
4 origin of the copper or silver so sold, transferred, or shipped
5 or offered for sale, transfer, or shipping; and in all cases
6 where the origin of the copper or silver is not known, no sale,
7 transfer, or shipment shall be made without a certificate being
8 attached to such memorandum of sale duly signed by the county
9 clerk, constable, or deputy sheriff, stating in substance that he
10 or she has investigated the source or origin of the copper or
11 silver offered for sale, transfer, or shipment, and that in his
12 or her opinion the articles have not been stolen, and that the
13 parties thereto have a right to sell, transfer, and ship the
14 same.

15 (2) Any person violating ~~the provisions of~~ this section
16 ~~shall be~~ IS guilty of a misdemeanor ~~,~~ punishable by imprison-
17 ment ~~in the county jail~~ FOR not more than 1 year or ~~by~~ a fine
18 of not more than ~~\$500.00~~ \$1,000.00.

19 ~~Sec. 540e. (1) Any person is guilty of a misdemeanor who~~
20 ~~maliciously uses any service provided by a communications common~~
21 ~~carrier with intent to terrorize, frighten, intimidate, threaten,~~
22 ~~harass, molest, or annoy any other person, or to disturb the~~
23 ~~peace and quiet of any other person by any of the following:~~

24 ~~(a) Threatening physical harm or damage to any person or~~
25 ~~property in the course of a telephone conversation.~~

26 ~~(b) Falsely and deliberately reporting by telephone or~~
27 ~~telegraph message that any person has been injured, has suddenly~~

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1 ~~taken ill, has suffered death, or has been the victim of a crime,~~
2 ~~or of an accident.~~

3 ~~(c) Deliberately refusing or failing to disengage a connec-~~
4 ~~tion between a telephone and another telephone or between a tele-~~
5 ~~phone and other equipment provided for the transmission of mes-~~
6 ~~sages by telephone, thereby interfering with any communications~~
7 ~~service.~~

8 ~~(d) Using any vulgar, indecent, obscene, or offensive lan-~~
9 ~~guage or suggesting any lewd or lascivious act in the course of a~~
10 ~~telephone conversation.~~

11 ~~(e) Repeatedly initiating a telephone call and, without~~
12 ~~speaking, deliberately hanging up or breaking the telephone con-~~
13 ~~nection as or after the telephone call is answered.~~

14 ~~(f) Making an unsolicited commercial telephone call which is~~
15 ~~received between the hours of 9 p.m. and 9 a.m. For the purpose~~
16 ~~of this subdivision, "an unsolicited commercial telephone call"~~
17 ~~means a call made by a person or recording device, on behalf of a~~
18 ~~person, corporation, or other entity, soliciting business or~~
19 ~~contributions.~~

20 ~~(g) Deliberately calling a telephone of another person in a~~
21 ~~repetitive manner which causes interruption in telephone service~~
22 ~~or prevents the person from utilizing his or her telephone~~
23 ~~service.~~

24 ~~(2) Any person violating this section may be imprisoned for~~
25 ~~not more than 6 months, or fined not more than \$500.00~~
26 ~~\$750.00, or both. An offense is committed under this section if~~
27 ~~the communication either originates or terminates or both~~

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1 ~~originates and terminates in this state and may be prosecuted at~~
2 ~~the place of origination or termination.~~

3 ~~Sec. 540f. (1) Except as provided in subsection (2), a~~
4 ~~person who knowingly or intentionally publishes a telecommunica-~~
5 ~~tions access device or counterfeit telecommunications access~~
6 ~~device with the intent that it be used or knowing or having~~
7 ~~reason to know that it will be used or is likely to be used to~~
8 ~~violate section 219a is guilty of a misdemeanor punishable by~~
9 ~~imprisonment for not more than 93 days or a fine of not more than~~
10 ~~\$100.00 , or both.~~

11 ~~(2) A person who violates subsection (1) and has a previous~~
12 ~~conviction for a violation of section 219a or 540c or former sec-~~
13 ~~tion 219c is guilty of a felony punishable by imprisonment for~~
14 ~~not more than 5 years or a fine of not more than \$5,000.00, or~~
15 ~~both.~~

16 ~~(3) If the prosecuting attorney intends to seek an enhanced~~
17 ~~sentence based upon the defendant having a prior conviction, the~~
18 ~~prosecuting attorney shall include on the complaint and informa-~~
19 ~~tion a statement listing that prior conviction. The existence of~~
20 ~~the defendant's prior conviction shall be determined by the~~
21 ~~court, without a jury, at sentencing. The existence of a prior~~
22 ~~conviction may be established by any evidence relevant for that~~
23 ~~purpose, including, but not limited to, 1 or more of the~~
24 ~~following:~~

25 ~~(a) A copy of the judgment of conviction.~~

26 ~~(b) A transcript of a prior trial, plea-taking, or~~
27 ~~sentencing.~~

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1 ~~(c) Information contained in a presentence report.~~

2 ~~(d) The defendant's statement.~~

3 ~~(4) As used in this section:~~

4 ~~(a) "Counterfeit telecommunications access device" means a~~
5 ~~telecommunications access device that is false, fraudulent,~~
6 ~~unlawful, not issued to a legitimate telecommunications access~~
7 ~~device subscriber account, or otherwise invalid or that is~~
8 ~~expired, suspended, revoked, canceled, or otherwise terminated if~~
9 ~~notice of the expiration, suspension, revocation, cancellation,~~
10 ~~or termination has been sent to the telecommunications access~~
11 ~~device subscriber.~~

12 ~~(b) "Publish" means to communicate information or make~~
13 ~~information available to 1 or more persons orally, in writing, or~~
14 ~~by means of any telecommunications. Publish includes but is not~~
15 ~~limited to communicating information on a computer bulletin board~~
16 ~~or similar system.~~

17 ~~(c) "Telecommunications access device" means an instrument,~~
18 ~~device, card, plate, code, telephone number, account number, per-~~
19 ~~sonal identification number, electronic serial number, mobile~~
20 ~~identification number, counterfeit number, or financial transac-~~
21 ~~tion device as defined in section 157m that alone or with another~~
22 ~~telecommunications access device can acquire, intercept, provide,~~
23 ~~receive, use, or otherwise facilitate the use of a telecommunica-~~
24 ~~tions device, counterfeit telecommunications device, or telecom-~~
25 ~~munications service.~~

Sec. 540c. (1) A person shall not ASSEMBLE. DEVELOP. manufacture, possess. deliver. offer to deliver. or advertise ~~a counterfeit~~ AN UNLAWFUL telecommunications ACCESS device or ASSEMBLE. DEVELOP. manufacture. possess. deliver. offer to deliver. or advertise a telecommunications device intending to use ~~the telecommunications device~~ or THOSE DEVICES OR TO allow the ~~telecommunications device~~ DEVICES to be used to do any of the following or knowing or having reason to know that the ~~telecommunications device is~~ DEVICES ARE intended to be used to do any of the following:

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(a) Obtain or attempt to obtain A telecommunications service with the intent to avoid or aid or abet or cause another person to avoid any lawful charge for THE telecommunications service in violation of section 219a.

(b) Conceal the existence or place of origin or destination of any telecommunications service.

(C) TO RECEIVE. DISRUPT. DECRYPT. TRANSMIT. RETRANSMIT. ACQUIRE, INTERCEPT. OR FACILITATE THE RECEIPT. DISRUPTION. DECRYPTION. TRANSMISSION. RETRANSMISSION. ACQUISITION. OR INTERCEPTION OF ANY TELECOMMUNICATIONS SERVICE WITHOUT THE EXPRESS AUTHORITY OR ACTUAL CONSENT OF THE TELECOMMUNICATIONS SERVICE PROVIDER.

(2) A PERSON SHALL NOT MODIFY. ALTER. PROGRAM. OR REPROGRAM A TELECOMMUNICATIONS ACCESS DEVICE FOR THE PURPOSES DESCRIBED IN SUBSECTION

(1).

(3) ~~(2)~~ A person shall not deliver. offer to deliver. or advertise plans. written instructions. or materials for THE manufacture. ASSEMBLY, OR DEVELOPMENT of ~~a counterfeit~~ AN UNLAWFUL telecommunications ACCESS device or for THE manufacture. ASSEMBLY. OR DEVELOPMENT of a telecommunications ACCESS device that the person intends to be used or knows or has reason to know will be used or is likely to be used to violate subsection (1). AS USED IN THIS SUBSECTION. "MATERIALS" INCLUDES ANY HARDWARE. CABLES. TOOLS. DATA. COMPUTER SOFTWARE. OR OTHER INFORMATION OR EQUIPMENT USED OR INTENDED FOR USE IN THE MANUFACTURE. ASSEMBLY. OR DEVELOPMENT OF AN UNLAWFUL TELECOMMUNICATIONS ACCESS DEVICE OR A TELECOMMUNICATIONS ACCESS DEVICE.

(4) ~~(3)~~ A person who violates subsection (1) ~~or~~ (2). OR (3) is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2,000.00. or both. ALL FINES SHALL BE IMPOSED FOR EACH UNLAWFUL TELECOMMUNICATIONS ACCESS DEVICE OR TELECOMMUNICATIONS ACCESS DEVICE INVOLVED IN THE OFFENSE. EACH UNLAWFUL TELECOMMUNICATIONS ACCESS DEVICE OR TELECOMMUNICATIONS ACCESS DEVICE IS CONSIDERED A SEPARATE VIOLATION.

(5) ~~(4)~~ This section does not prohibit or restrict the possession of radio receivers or transceivers by licensees of the federal communications commission in the amateur radio service that are intended primarily or exclusively for use in the amateur radio service.

(6) ~~(5)~~ A ~~counterfeit~~ ANY UNLAWFUL telecommunications ACCESS device ~~used~~ INVOLVED in violation of this section is subject to forfeiture in the same manner as provided in sections 4701 to 4709 of the revised judiciary act of 1961. ~~Act No. 236 of the Public Acts of 1961, being sections 600.4701 to 600.4709 of the Michigan Compiled Laws 1961 PA 236. MCL 600.4701 TO 600.4709, and the court may order either of the following:~~

(a) The ~~counterfeit~~ UNLAWFUL telecommunications ACCESS device be destroyed OR RETAINED AS PROVIDED UNDER SECTION 540D.

(b) The ~~counterfeit~~ UNLAWFUL telecommunications ACCESS device be returned to the telecommunications service provider if the device is owned or controlled by the provider OR DISPOSED OF AS PROVIDED UNDER SECTION 540D.

(7) THE COURT SHALL ORDER A PERSON CONVICTED OF VIOLATING SUBSECTION (1). (2). OR (3) TO MAKE RESTITUTION IN ACCORDANCE WITH SECTION 1A OF THE CODE OF CRIMINAL PROCEDURE. 1927 PA 175. MCL 769.1A.

(8) A VIOLATION OF SUBSECTION (1). (2). OR (3) IS CONSIDERED TO HAVE OCCURRED AT THE PLACE WHERE THE PERSON MANUFACTURES. ASSEMBLES, DEVELOPS, OR DESIGNS AN UNLAWFUL TELECOMMUNICATIONS ACCESS DEVICE OR TELECOMMUNICATIONS ACCESS DEVICE. OR THE PLACES WHERE THE UNLAWFUL TELECOMMUNICATIONS ACCESS DEVICE OR TELECOMMUNICATIONS ACCESS DEVICE IS SOLD OR DELIVERED TO ANOTHER PERSON.

(9) ~~(6)~~ As used in this section and sections 540d. 540f, and 540g: ~~(a) "Counterfeit telecommunications device" means a telecommunications device alone or with another telecommunications device~~

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~~that has been altered or programmed to acquire, intercept, receive, or otherwise facilitate the use of a telecommunications service without the authority or consent of the telecommunications service provider. Counterfeit telecommunications device includes but is not limited to a clone telephone, clone microchip, tumbler telephone, tumbler microchip, or wireless scanning device capable of acquiring, intercepting, receiving, or otherwise facilitating the use of a telecommunications service without immediate detection.~~

~~(A) ~~(b)~~ "Deliver" means to actually or constructively sell, give, loan, LEASE, or otherwise transfer a telecommunications ACCESS device, counterfeit UNLAWFUL telecommunications ACCESS device, AND plans, written instructions, or materials CONCERNING THE DEVICES to another person.~~

~~(c) "Telecommunications" means the origination, emission, transmission, or reception of data, images, signals, sounds, or other intelligence or equivalence of intelligence of any nature over any communications system by any method including but not limited to electronic, magnetic, optical, digital, or analog.~~

~~(d) "Telecommunications device" means any instrument, equipment, machine, or device that facilitates telecommunications. Telecommunications device includes but is not limited to a computer, computer chip or circuit, telephone, cellular telephone, pager, personal communications device, transponder, receiver, radio, modem or device that enables use of a modem, cables, converters, decoders, descramblers, satellite equipment, or other devices and equipment.~~

~~(e) "Telecommunications service" means providing, allowing, facilitating, or generating any form of telecommunications through the use of telecommunications devices or telecommunications access devices over a telecommunications system.~~

~~(f) "Unauthorized receipt of a telecommunications service" means the interception or receipt by any means of a telecommunications service without the specific authorization of the telecommunications service provider.~~

~~(B) "TELECOMMUNICATIONS ACCESS DEVICE" SHALL HAVE THE SAME MEANING AS IN SECTION 219A.~~

~~(C) "TELECOMMUNICATIONS SERVICE" SHALL HAVE THE SAME MEANING AS IN SECTION 219A.~~

~~(D) "TELECOMMUNICATIONS SERVICE PROVIDER" SHALL HAVE THE SAME MEANING AS IN SECTION 219A.~~

~~(E) "TELECOMMUNICATIONS SYSTEM" SHALL HAVE THE SAME MEANING AS IN SECTION 219A.~~

~~(F) "UNLAWFUL TELECOMMUNICATIONS ACCESS DEVICE" SHALL HAVE THE SAME MEANING AS IN SECTION 219A.~~

~~Sec. 540d. Any telecommunications ACCESS device, ~~counterfeit~~ UNLAWFUL telecommunications ACCESS device, plans, instructions, or materials described in section 540c may be seized under warrant or incident to a lawful arrest. Upon conviction of a person for violation of section 540c, all of the following apply to the telecommunications device, counterfeit telecommunications device, plans, instructions, or materials involved in the violation that are seized under this section:~~

~~(a) The telecommunications ACCESS device or materials shall be returned to the lawful owner of that device or materials unless he or she was convicted of the violation or had prior actual knowledge of and consented to the violation or unless the lawful owner cannot be determined or located.~~

~~(b) The ~~counterfeit~~ UNLAWFUL telecommunications ACCESS device, plans, or instructions and any telecommunications ACCESS device or materials not required to be returned to the lawful owner under subdivision (a) may be destroyed as contraband by the seizing law enforcement agency or retained and used by the seizing law enforcement agency for law enforcement purposes.~~

~~(c) Any telecommunications ACCESS device or materials not required~~

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to be returned to the lawful owner under subdivision (a) may be turned over by the seizing law enforcement agency to the telecommunications service provider in the territory in which the seizure occurred.

Sec. 540f. (1) Except as provided in subsection (2), a person who knowingly or intentionally publishes a telecommunications access device or ~~counterfeit~~ UNLAWFUL telecommunications access device with the intent that it be used or knowing or having reason to know that it will be used or is likely to be used to violate section 219a is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than ~~\$100.00~~ \$500.00, or both.

(2) A person who violates subsection (1) and has a previous conviction for a violation of section 219a or 540c or former section 219c is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$5,000.00, or both. FOR PURPOSES OF IMPOSING FINES UNDER THIS SECTION FOR A REPEAT OFFENDER, THE FINES SHALL BE IMPOSED FOR EACH TELECOMMUNICATIONS ACCESS DEVICE AND UNLAWFUL TELECOMMUNICATIONS ACCESS DEVICE INVOLVED IN THE VIOLATION.

(3) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having a prior conviction, the prosecuting attorney shall include on the complaint and information a statement listing that prior conviction. The existence of the defendant's prior conviction shall be determined by the court, without a jury, at sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following:

- (a) A copy of the judgment of conviction.
- (b) A transcript of a prior trial, plea-taking, or sentencing.
- (c) Information contained in a presentence report.
- (d) The defendant's statement.
- (4) As used in this section:

~~(a) "Counterfeit telecommunications access device" means a telecommunications access device that is false, fraudulent, unlawful, not issued to a legitimate telecommunications access device subscriber account, or otherwise invalid or that is expired, suspended, revoked, canceled, or otherwise terminated if notice of the expiration, suspension, revocation, cancellation, or termination has been sent to the telecommunications access device subscriber.~~

~~(A) ~~(b)~~ "Publish" means to communicate information or make information available to 1 or more persons orally, in writing, or by means of any telecommunications. Publish includes but is not limited to communicating information on a computer bulletin board or similar system.~~

~~(B) ~~(c)~~ "Telecommunications access device" means an instrument, device, card, plate, code, telephone number, account number, personal identification number, electronic serial number, mobile identification number, counterfeit number, or financial transaction device as defined in section 157m that alone or with another telecommunications access device can acquire, intercept, provide, receive, use, or otherwise facilitate the use of a telecommunications device, counterfeit telecommunications device, or telecommunications service. SHALL HAVE THE SAME MEANING AS IN SECTION 219A.~~

~~(C) "UNLAWFUL TELECOMMUNICATIONS ACCESS DEVICE" SHALL HAVE THE SAME MEANING AS IN SECTION 219A.~~

Sec. 540g. (1) An officer, shareholder, partner, employee, agent, or independent contractor of a telecommunications service provider who knowingly and without authority uses or diverts telecommunications services for his or her own benefit or to the benefit of another person is guilty of a crime as follows:

(a) If the total value of the telecommunications service used or diverted is less than \$200.00, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00 or 3 times the total value of the telecommunications service

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used or diverted is less than \$200.00. the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00 or 3 times the total value of the telecommunications service used or diverted, whichever is greater, or both imprisonment and a fine.

(b) If any of the following apply. the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$2,000.00 or 3 times the total value of the telecommunications service used or diverted, whichever is greater, or both imprisonment and a fine:

(i) The total value of the telecommunications service used or diverted is \$200.00 or more but less than \$1,000.00.

(ii) The person violates subdivision (a) and has 1 or more prior convictions for committing or attempting to commit an offense under this section or a local ordinance substantially corresponding to this section.

(c) If any of the following apply. the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$10,000.00 or 3 times the total value of the telecommunications service used or diverted, whichever is greater, or both imprisonment and a fine:

(i) The total value of the telecommunications service used or diverted is \$1,000.00 or more but less than \$20,000.00.

(ii) The person violates subdivision (b)(i) and has 1 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subparagraph. however. a prior conviction does not include a conviction for a violation or attempted violation of subdivision (a) or (b)(ii).

(d) If any of the following apply. the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$15,000.00 or 3 times the value of the telecommunications service used or diverted, whichever is greater, or both imprisonment and a fine:

(i) The total value of the telecommunications service used or diverted is \$20,000.00 or more.

(ii) The person violates subdivision (c)(i) and has 2 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subparagraph. however. a prior conviction does not include a conviction for a violation or attempted violation of subdivision (a) or (b)(ii).

(2) The values of telecommunications service used or diverted in separate incidents ~~pursuant to~~ UNDER a scheme or course of conduct within any 12-month period may be aggregated to determine the total value of the telecommunications service used or diverted. THE COURTS SHALL ALSO INCLUDE THE VALUE OF ALL TELECOMMUNICATIONS SERVICES MADE AVAILABLE TO THE VIOLATOR AND OTHERS AS A RESULT OF THE VIOLATION.

(3) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions. the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions shall be determined by the court. without a jury. at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to. 1 or more of the following:

(a) A copy of the judgment of conviction.

(b) A transcript of a prior trial. plea-taking. or sentencing.

(c) Information contained in a presentence report.

(d) The defendant's statement.

(4) If the sentence for a conviction under this section is enhanced

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by 1 or more prior convictions. those prior convictions shall not be used to further enhance the sentence for the conviction ~~pursuant to~~ UNDER section 10. 11. or 12 of chapter IX of the code of criminal procedure, 1927 PA 175. MCL 769.10. 769.11. and 769.12.

Sec. 540h. (1) Evidence of 1 or more of the following facts shall give rise to a rebuttable presumption that the conduct that violated section 540c was engaged in knowingly by the defendant with the intent to permit or obtain the unauthorized receipt, ACQUISITION, INTERCEPTION,

DISRUPTION. DECRYPTION. TRANSMISSION, OR RETRANSMISSION of a telecommunications service:

(a) The presence on the defendant's property or in the actual possession of the defendant of 1 or more ~~counterfeit~~ UNLAWFUL telecommunications ACCESS devices.

(b) The defendant installed an unauthorized connection or provided written instructions on such connection to another. An unauthorized connection does not include any of the following:

(i) An internal connection made by a person within his or her residence for the purpose of receiving AN authorized ~~cable or satellite television~~ TELECOMMUNICATIONS service.

(ii) The physical connection of a cable or other device by a person located within his or her residence which was initially placed there by the ~~cable or satellite television~~ TELECOMMUNICATIONS service provider.

(iii) The physical connection of a cable or other device by a person located within his or her residence which the person had reason to believe was an authorized connection.

(c) The telecommunications service provider placed written warning labels on its telecommunications ACCESS devices explaining that tampering with a telecommunications device is a violation of law and a telecommunications device in the defendant's possession has been tampered with. altered. or modified to permit the unauthorized receipt. ACQUISITION. INTERCEPTION. DISRUPTION. DECRYPTION, TRANSMISSION, OR RETRANSMISSION of a telecommunications service.

(d) The defendant has published or advertised for sale a plan for a ~~counterfeit~~ UNLAWFUL telecommunications ACCESS device and the publication or advertisement states or implies that the plan will enable the unauthorized receipt. ACQUISITION. INTERCEPTION. DISRUPTION. DECRYPTION, TRANSMISSION, OR RETRANSMISSION of a telecommunications service.

(e) The defendant has advertised for the sale of a ~~counterfeit~~ UNLAWFUL telecommunications ACCESS device or kit for a ~~counterfeit~~ UNLAWFUL telecommunications ACCESS device and the advertisement states or implies that the ~~counterfeit~~ UNLAWFUL telecommunications ACCESS device or kit will permit the unauthorized receipt. ACQUISITION. INTERCEPTION, DISRUPTION. DECRYPTION. TRANSMISSION, OR RETRANSMISSION of a telecommunications service.

(f) The defendant has sold. leased. or offered for sale or lease a ~~counterfeit~~ UNLAWFUL telecommunications ACCESS device. plan. or kit for a ~~counterfeit~~ UNLAWFUL telecommunications ACCESS device and during the course of the transaction for sale or lease. the defendant stated or implied to the buyer that the ~~counterfeit~~ UNLAWFUL telecommunications ACCESS device will permit the unauthorized receipt. ACQUISITION. INTERCEPTION. DISRUPTION. DECRYPTION, TRANSMISSION, OR RETRANSMISSION of a telecommunications service.

(G) AS USED IN THIS SECTION. "UNAUTHORIZED RECEIPT. ACQUISITION. INTERCEPTION. DISRUPTION. DECRYPTION. TRANSMISSION. OR RETRANSMISSION OF A TELECOMMUNICATIONS SERVICE" MEANS TO DO ANY OF THOSE ACTS WITHOUT THE EXPRESS AUTHORITY OF THE TELECOMMUNICATIONS SERVICE PROVIDER.

26 Sec. 561. ~~False weights and measures~~ Any person who
27 shall offer or expose for sale, sell, or use or retain in his OR
04460'01

HB 6079, As Passed Senate, December 11, 2002

House Bill No. 6079 as amended by the House June 19, 2002
as amended by the Senate December 10, 2002

1 HER possession ~~—~~ a false weight or measure or weighing or
2 measuring device or any weight or measure or weighing or measur-
3 ing device in the buying or selling of any commodity or thing or
4 for hire or reward; or who shall dispose of any condemned weight,
5 measure or weighing or measuring device contrary to law or remove
6 any tags placed thereon by the sealer of weights and measures; or
7 any person who shall sell or offer or expose for sale less than
8 the quantity he OR SHE represents, or sell or offer or expose for
9 sale any such commodity in any manner contrary to law, or any
10 person who shall sell or offer for sale or have in his OR HER
11 possession for the purpose of selling any device or instrument to
12 be used to, or calculated to, falsify any weight or measure,
13 ~~shall be~~ IS guilty of a misdemeanor. Upon a second or subse-
14 quent conviction, he OR SHE shall be guilty of a misdemeanor ~~—~~,
15 punishable by imprisonment ~~in the county jail~~ FOR not more than
16 1 year or ~~by~~ a fine of not less than ~~100 dollars~~ \$100.00 or
17 more than ~~500 dollars~~ \$1,000.00.

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