

HOUSE BILL No. 5850

May 4, 2004, Introduced by Reps. Ruth Johnson, Stakoe, Voorhees, Robertson, Wenke, Pappageorge, Rocca, Nofs, Woodward, Garfield, Milosch and Brandenburg and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1804 (MCL 380.1804) and by adding sections 1814, 1815, and 1816.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1804. ~~A~~ **Except as otherwise provided in this act, a**
2 school official or member of a school board or intermediate
3 school board or other person who neglects or refuses to do or
4 perform an act required by this act, or who violates or knowingly
5 permits or consents to a violation of this act, is guilty of a
6 misdemeanor punishable by a fine not more than \$500.00, or
7 imprisonment for not more than 3 months, or both.

8 Sec. 1814. (1) **A person shall not use school district or**
9 **intermediate school district funds, or other public funds under**
10 **the control of the school district or intermediate school**

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1 district, for purchasing alcoholic beverages, jewelry, gifts,
2 tickets for entertainment or sporting events, fees for golf or
3 other recreational activities, or any item the purchase or
4 possession of which is illegal. A person also shall not provide
5 these public funds to a third party for any of these purposes.

6 (2) In addition to any other penalty provided by law, a
7 person who violates subsection (1) is guilty of a misdemeanor
8 punishable by imprisonment for not more than 93 days or a fine,
9 or both. The amount of the fine shall be as follows:

10 (a) If the cumulative amount of the funds that were used by
11 the person in violation of subsection (1) is less than \$5,000.00,
12 a fine of \$1,000.00.

13 (b) If the cumulative amount of the funds that were used by
14 the person in violation of subsection (1) is at least \$5,000.00
15 and less than \$10,000.00, a fine of \$2,000.00.

16 (c) If the cumulative amount of the funds that were used by
17 the person in violation of subsection (1) is at least \$10,000.00
18 and less than \$15,000.00, a fine of \$3,000.00.

19 (d) If the cumulative amount of the funds that were used by
20 the person in violation of subsection (1) is at least \$15,000.00
21 and less than \$25,000.00, a fine of \$4,000.00.

22 (e) If the cumulative amount of the funds that were used by
23 the person in violation of subsection (1) is \$25,000.00 or more,
24 a fine of \$5,000.00.

25 (3) A court shall order a person convicted of a violation of
26 subsection (1) to make restitution to the affected school
27 district or intermediate school district.

1 Sec. 1815. A person who knowingly or intentionally violates
2 the competitive bidding requirements of section 1267, or who
3 knowingly or intentionally permits or consents to a violation of
4 the competitive bidding requirements of section 1267, is guilty
5 of a felony punishable by a fine in an amount equal to not more
6 than 10% of the cost of the project involved in the violation or
7 imprisonment for not more than 1 year, or both, but is not
8 subject to the penalties of section 1804.

9 Sec. 1816. A person who knowingly or intentionally uses the
10 proceeds of bonds issued under this act for a purpose other than
11 a purpose for which the bonds were issued, as stated in the
12 ballot proposal authorizing the issuance of the bonds, or who
13 knowingly or intentionally permits or consents to such a misuse
14 of the proceeds of bonds issued under this act, is guilty of a
15 felony punishable by a fine in an amount equal to not more than
16 10% of the cost of the project involved in the violation or
17 imprisonment for not more than 1 year, or both, but is not
18 subject to the penalties of section 1804.