

HOUSE BILL No. 5096

December 1, 2015, Introduced by Reps. Chang, Garrett, Plawecki, Neeley, Brunner, Rutledge, Talabi, Chirkun, Liberati, Brinks, Cochran, Byrd, Robinson, Pagan, Pscholka, Banks, Geiss, Darany, Sarah Roberts, Yanez, Irwin, Hoadley, Wittenberg, Guerra, Callton, Phelps, Love, Santana, Lucido, Moss, Townsend, Tedder and Zemke and referred to the Committee on Criminal Justice.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending the title and sections 282 and 383a (MCL 750.282 and 750.383a), the title as amended by 2010 PA 107, section 282 as amended by 1987 PA 32, and section 383a as amended by 2008 PA 413.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes **AND CERTAIN STATE CIVIL INFRACTIONS** and prescribe the penalties, **SANCTIONS**, and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses

1 appearing at criminal trials; to provide for liability for damages;
2 and to repeal certain acts and parts of acts inconsistent with or
3 contravening any of the provisions of this act.

4 Sec. 282. (1) A person shall not do any of the following:

5 (a) Willfully or fraudulently injure, or fraudulently allow to
6 be injured, a meter, wire, line, pipe, or appliance belonging to a
7 water, steam, electric, or gas company, or propane gas dealer or
8 distributor.

9 (b) Willfully or fraudulently prevent a water, steam,
10 electric, gas, or propane gas meter belonging to a water, steam,
11 electric, or gas company, or propane gas dealer or distributor from
12 duly registering the quantity of water, steam, electric current,
13 gas, or propane gas measured through the meter, or in any way
14 hinder or interfere with the meter's proper action or just
15 registration.

16 (c) Attach a line, wire, or pipe to a line, wire, pipe, or
17 main belonging to a water, steam, electric, or gas company, or
18 propane gas dealer or distributor. This subdivision does not apply
19 to the use of a ground wire to ground an electrical system.

20 (d) Willfully or fraudulently interfere with a pressure
21 regulator device on a propane gas tank or incorporated into a
22 propane gas system.

23 (e) Use or burn or cause to be used or burned any water,
24 steam, electric current, gas, or propane gas supplied by a water,
25 steam, electric, or gas company, or propane gas dealer or
26 distributor, without the written consent of the company or the
27 propane gas dealer or distributor, or the authorized agent or

1 officer of the company or the propane gas dealer or distributor,
2 unless the water, steam, electric current, gas, or propane gas
3 passes through a meter or is measured by a meter set by the company
4 or the propane gas dealer or distributor; fraudulently use the
5 water, steam, electric current, gas, or propane gas, or
6 fraudulently waste the water, steam, electric current, gas, or
7 propane gas supplied by a water, steam, electric, or gas company,
8 or propane gas dealer or distributor.

9 (2) A person who violates subsection (1) is **GUILTY OF A CRIME**
10 **OR RESPONSIBLE FOR A STATE CIVIL INFRACTION AS FOLLOWS:**

11 (A) **THE PERSON IS** guilty of a misdemeanor if the value of the
12 water, steam, electric current, gas, or propane gas used, burned,
13 or wasted, or the damage caused, as a result of the violation, is
14 not more than \$500.00.

15 (B) A person who violates subsection (1) is guilty of a felony
16 if the value of the water, steam, electric current, gas, or propane
17 gas used, burned, or wasted, or the damage caused, as a result of
18 the violation, is more than \$500.00.

19 (C) **A PERSON WHO VIOLATES SUBSECTION (1) BY TAMPERING WITH A**
20 **WATER UTILITY LINE FOR THE PURPOSE OF AVOIDING A WATER SERVICE**
21 **SHUTOFF TO HIS OR HER RESIDENCE DUE TO AN INABILITY TO PAY FOR**
22 **WATER SERVICE IS GUILTY OF A MISDEMEANOR OR RESPONSIBLE FOR A STATE**
23 **CIVIL INFRACTION AS FOLLOWS:**

24 (i) **FOR A FIRST OFFENSE, THE PERSON IS RESPONSIBLE FOR A STATE**
25 **CIVIL INFRACTION AND MAY BE ORDERED TO PERFORM NOT MORE THAN 100**
26 **HOURS OF COMMUNITY SERVICE.**

27 (ii) **FOR A SECOND OFFENSE, THE PERSON IS RESPONSIBLE FOR A**

1 STATE CIVIL INFRACTION AND MAY BE FINED NOT MORE THAN \$500.00.

2 (iii) FOR A THIRD OR SUBSEQUENT OFFENSE, THE PERSON IS GUILTY
3 OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000.00.

4 (3) A ~~eriminal~~ prosecution under this section shall not in any
5 way impair the right of the company or the propane gas dealer or
6 distributor to full compensation in damages by civil action.

7 (4) ~~The provisions of this~~ **THIS** section shall extend and apply
8 **APPLIES** to all offenses against all water, steam, electric, or gas
9 companies, or propane gas dealers or distributors, and boards or
10 municipalities owning or operating plants for producing,
11 manufacturing, furnishing, transmitting, or conducting water,
12 steam, electricity, or gas, either natural, liquefied, or
13 artificial.

14 (5) A person who attaches any line, wire, or pipe or any other
15 device or process to any line, wire, or pipe of a water, steam,
16 electric, or gas company, or propane gas dealer or distributor
17 which interferes with the proper operation and just registration of
18 a meter within the meaning of this section, or who interferes with
19 a pressure regulator device on a propane gas tank or incorporated
20 into a propane gas system, is presumed to do so with intent to
21 avoid, or to enable another to avoid, payment for the service
22 involved.

23 (6) In all prosecutions under this section, proof that the
24 defendant, other than a lessor, had control of or occupied the
25 premises where the offense was committed, or received the benefit
26 of the water, steam, electric current, gas, or propane gas used or
27 consumed, shall be prima facie evidence of a violation of this

1 section.

2 Sec. 383a. (1) A person, without lawful authority, shall not
3 willfully cut, break, obstruct, injure, destroy, tamper with or
4 manipulate, deface, or steal any machinery, tools, equipment,
5 telephone line or post, telegraph line or post, telecommunication
6 line, tower, or post, electric line, post, tower or supporting
7 structures, electric wire, insulator, switch, or signal, natural
8 gas pipeline, water pipeline, steam heat pipeline or the valves or
9 other appliances or equipment appertaining to or used in connection
10 with those lines, or any other appliance or component of the
11 electric, telecommunication, **WATER**, or natural gas infrastructure
12 that is the property of a utility. ~~A—EXCEPT AS PROVIDED IN~~
13 **SUBSECTION (2), A** person who violates this section is guilty of a
14 felony punishable by imprisonment for not more than 5 years or a
15 fine of not more than \$5,000.00, or both.

16 **(2) A PERSON WHO VIOLATES SUBSECTION (1) BY TAMPERING WITH A**
17 **WATER UTILITY LINE FOR THE PURPOSE OF AVOIDING A WATER SERVICE**
18 **SHUTOFF TO HIS OR HER RESIDENCE DUE TO AN INABILITY TO PAY FOR**
19 **WATER SERVICE IS GUILTY OF A MISDEMEANOR OR RESPONSIBLE FOR A**
20 **MUNICIPAL CIVIL INFRACTION AS FOLLOWS:**

21 **(A) FOR A FIRST OFFENSE, THE PERSON IS RESPONSIBLE FOR A STATE**
22 **CIVIL INFRACTION AND MAY BE ORDERED TO PERFORM NOT MORE THAN 100**
23 **HOURS OF COMMUNITY SERVICE.**

24 **(B) FOR A SECOND OFFENSE, THE PERSON IS RESPONSIBLE FOR A**
25 **STATE CIVIL INFRACTION AND MAY BE FINED NOT MORE THAN \$500.00.**

26 **(C) FOR A THIRD OR SUBSEQUENT OFFENSE, THE PERSON IS GUILTY OF**
27 **A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000.00.**

1 (3) As used in this section, "utility" includes any pipeline,
2 gas, electric, heat, water, oil, sewer, telephone, telegraph,
3 telecommunication, radio, railway, railroad, airplane,
4 transportation, communication or other system, whether or not
5 publicly owned, that is operated for the public use.

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