

Act No. 284
Public Acts of 2020
Approved by the Governor
December 29, 2020
Filed with the Secretary of State
December 29, 2020
EFFECTIVE DATE: March 24, 2021

**STATE OF MICHIGAN
100TH LEGISLATURE
REGULAR SESSION OF 2020**

Introduced by Reps. Maddock, Berman, Vaupel, Allor, Green, Miller, Crawford, Steven Johnson, Huizenga, Paquette, Meerman, Bellino, Howell, Hornberger, Yaroch, LaFave and Markkanen

ENROLLED HOUSE BILL No. 5198

AN ACT to amend 1931 PA 328, entitled "An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties 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 appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," by amending section 491 (MCL 750.491), as amended by 2017 PA 182.

The People of the State of Michigan enact:

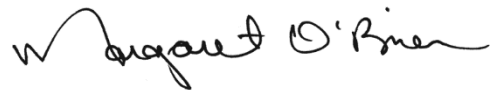
Sec. 491. (1) All official books, papers, or records created by or received in any office or agency of this state or its political subdivisions are public property belonging to the people of this state. All such books, papers, or records must be disposed of only as provided in section 11 of the Michigan history center act, 2016 PA 470, MCL 399.811, section 2a of the records reproduction act, 1992 PA 116, MCL 24.402a, and sections 2137 and 2138 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2137 and 600.2138.

(2) An individual shall not willfully carry away, mutilate, or destroy the books, papers, records, or any part of a book, paper, or record described in subsection (1) and shall not retain and continue to hold the possession of those books, papers, or records, or parts of those books, papers, or records and refuse to deliver up those books, papers, records, or parts of those books, papers, or records to the proper officer having charge of the office to which those books, papers, or records belong upon demand being made by that officer or, if the office is defunct, the Michigan history center created in the Michigan history center act, 2016 PA 470, MCL 399.801 to 399.812. An individual who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 2 years or a fine of not more than \$1,000.00.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 5197 of the 100th Legislature is enacted into law.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor

Compiler's note: House Bill No. 5197, referred to in enacting section 1, was filed with the Secretary of State December 29, 2020, and became 2020 PA 283, Eff. Mar. 24, 2021.