

HOUSE BILL NO. 5198

November 06, 2019, Introduced by Reps. Maddock, Berman, Vaupel, Allor, Green, Miller, Crawford, Steven Johnson, Huizenga, Paquette, Meerman, Bellino, Howell, Hornberger, Yaroch, LaFave and Markkanen and referred to the Committee on Local Government and Municipal Finance.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 491 (MCL 750.491), as amended by 2017 PA 182.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 491. (1) All official books, papers, or records created
2 by or received in any office or agency of this state or its
3 political subdivisions are public property belonging to the people
4 of this state. All such books, papers, or records ~~shall~~**must** be
5 disposed of only as provided in section 11 of the Michigan history
6 center act, 2016 PA 470, MCL 399.811, **section 2a of the records**

1 **reproduction act, 1992 PA 116, MCL 24.402a**, and sections 2137 and
2 2138 of the revised judicature act of 1961, 1961 PA 236, MCL
3 600.2137 and 600.2138.

4 (2) ~~A person~~**An individual** shall not willfully carry away,
5 mutilate, or destroy the books, papers, records, or any part of a
6 book, paper, or record described in subsection (1) and shall not
7 retain and continue to hold the possession of those books, papers,
8 or records, or parts of those books, papers, or records and refuse
9 to deliver up those books, papers, records, or parts of those
10 books, papers, or records to the proper officer having charge of
11 the office to which those books, papers, or records belong upon
12 demand being made by that officer or, if the office is defunct, the
13 Michigan history center created in the Michigan history center act,
14 2016 PA 470, MCL 399.801 to 399.812. ~~A person~~**An individual** who
15 violates this section is guilty of a misdemeanor punishable by
16 imprisonment for not more than 2 years or a fine of not more than
17 \$1,000.00.

18 Enacting section 1. This amendatory act does not take effect
19 unless Senate Bill No.____ or House Bill No. 5197 (request no.
20 03381'19) of the 100th Legislature is enacted into law.