

HOUSE BILL NO. 4427

April 09, 2019, Introduced by Reps. Garrett, Hope, Garza, Whitsett, Hammoud, Neeley, Camilleri, Gay-Dagnogo, Manoogian and Rabhi 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 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:

1 TITLE
2 An act to revise, consolidate, codify, and add to the statutes



1 relating to crimes; to define crimes **and certain state civil**
2 **infractions** and prescribe the penalties, **sanctions**, and remedies;
3 to provide for restitution under certain circumstances; to provide
4 for the competency of evidence at the trial of persons accused of
5 crime; to provide immunity from prosecution for certain witnesses
6 appearing at criminal trials; to provide for liability for damages;
7 and to repeal certain acts and parts of acts inconsistent with or
8 contravening any of the provisions of this act.

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

10 (a) Willfully or fraudulently injure, or fraudulently allow to
11 be injured, a meter, wire, line, pipe, or appliance belonging to a
12 water, steam, electric, or gas company, or propane gas dealer or
13 distributor.

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

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

25 (d) Willfully or fraudulently interfere with a pressure
26 regulator device on a propane gas tank or incorporated into a
27 propane gas system.

28 (e) Use or burn or cause to be used or burned any water,
29 steam, electric current, gas, or propane gas supplied by a water,



1 steam, electric, or gas company, or propane gas dealer or
 2 distributor, without the written consent of the company or the
 3 propane gas dealer or distributor, or the authorized agent or
 4 officer of the company or the propane gas dealer or distributor,
 5 unless the water, steam, electric current, gas, or propane gas
 6 passes through a meter or is measured by a meter set by the company
 7 or the propane gas dealer or distributor; fraudulently use the
 8 water, steam, electric current, gas, or propane gas, or
 9 fraudulently waste the water, steam, electric current, gas, or
 10 propane gas supplied by a water, steam, electric, or gas company,
 11 or propane gas dealer or distributor.

12 (2) A person who violates subsection (1) is **guilty of a crime**
 13 **or responsible for a state civil infraction as follows:**

14 (a) **The person is** guilty of a misdemeanor if the value of the
 15 water, steam, electric current, gas, or propane gas used, burned,
 16 or wasted, or the damage caused, as a result of the violation, is
 17 not more than \$500.00.

18 (b) ~~A person who violates subsection (1)~~ **The person** is guilty
 19 of a felony if the value of the water, steam, electric current,
 20 gas, or propane gas used, burned, or wasted, or the damage caused,
 21 as a result of the violation, is more than \$500.00.

22 (c) **A person who violates subsection (1) by restoring water**
 23 **service to his or her lawfully occupied residence after a water**
 24 **service shutoff to the residence due to an inability to pay for**
 25 **water and sewer service, provided that no backflow prevention**
 26 **device is damaged, bypassed, or rendered inoperable by the**
 27 **restoration, is guilty of a misdemeanor or responsible for a state**
 28 **civil infraction as follows:**

29 (i) **For a first offense, the person is responsible for a state**



1 civil infraction and may be ordered to perform not more than 100
2 hours of community service.

3 (ii) For a second offense, the person is responsible for a
4 state civil infraction and may be fined not more than \$500.00.

5 (iii) For a third or subsequent offense, the person is guilty of
6 a misdemeanor punishable by a fine of not more than \$1,000.00.

7 (3) A ~~criminal~~ prosecution under this section ~~shall~~ **must** not
8 in any way impair the right of the company or the propane gas
9 dealer or distributor to full compensation in damages by civil
10 action.

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

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

27 (6) In all prosecutions under this section, proof that the
28 defendant, other than a lessor, had control of or occupied the
29 premises where the offense was committed, or received the benefit



1 of the water, steam, electric current, gas, or propane gas used or
 2 consumed, ~~shall be~~ **is** prima facie evidence of a violation of this
 3 section.

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

18 **(2) A person who violates subsection (1) by restoring water**
 19 **service to his or her lawfully occupied residence after a water**
 20 **service shutoff to the residence due to an inability to pay for**
 21 **water and sewer service, provided that no backflow prevention**
 22 **device is damaged, bypassed, or rendered inoperable by the**
 23 **restoration, is guilty of a misdemeanor or responsible for a state**
 24 **civil infraction as follows:**

25 **(a) For a first offense, the person is responsible for a state**
 26 **civil infraction and may be ordered to perform not more than 100**
 27 **hours of community service.**

28 **(b) For a second offense, the person is responsible for a**
 29 **state civil infraction and may be fined not more than \$500.00.**



1 (c) For a third or subsequent offense, the person is guilty of
2 a misdemeanor punishable by a fine of not more than \$1,000.00.

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

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

