

SENATE BILL No. 316

April 13, 1989, Introduced by Senators FAUST and
O'BRIEN and referred to the Committee on
Government Operations.

A bill to amend section 491 of Act No. 328 of the Public
Acts of 1931, entitled
"The Michigan penal code,"
being section 750.491 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 491 of Act No. 328 of the Public Acts of
2 1931, being section 750.491 of the Michigan Compiled Laws, is
3 amended to read as follows:
4 Sec. 491. (1) All official books, papers, or records cre-
5 ated by or received in any office or agency of ~~the state of~~
6 Michigan THIS STATE or its political subdivisions, are declared
7 to be public property, belonging to the people of ~~the state of~~
8 Michigan. All books, papers, or records shall be disposed of
9 only as provided in ~~section 13c of Act No. 51 of the Public~~
10 ~~Acts of the First Extra Session of 1948, as added, being section~~

1 ~~18.13c of the Compiled Laws of 1948, section 5 of Act No. 271 of~~
2 ~~the Public Acts of 1913, as amended, being section 399.5 of the~~
3 ~~Compiled Laws of 1948 and~~ THE MICHIGAN HISTORY ACT, OR sections
4 2137 and 2138 of Act No. 236 of the Public Acts of 1961, being
5 sections 600.2137 and 600.2138 of the MICHIGAN Compiled Laws.
6 ~~of 1948.~~

7 (2) Any person who shall ~~wilfully~~ WILLFULLY carry away,
8 mutilate, or destroy any of ~~such~~ THE books, papers, records, or
9 any ~~part of the same~~ OF THEIR PARTS, and any person who shall
10 retain and continue to hold the possession of any books, papers,
11 or records, or ANY OF THEIR parts, ~~thereof~~, belonging to the
12 ~~aforesaid~~ offices LISTED IN SUBSECTION (1) and shall refuse to
13 deliver up ~~such~~ THE books, papers, records, or ANY OF THEIR
14 parts ~~thereof~~ to the proper officer having charge of the office
15 to which ~~such~~ THE books, papers, or records belong, upon demand
16 being made by ~~such~~ THE officer or, in cases of a defunct
17 office, the Michigan historical commission, shall be guilty of a
18 misdemeanor, punishable by imprisonment in the state prison FOR
19 not more than 2 years, or by a fine of not more than \$1,000.00.

20 Section 2. This amendatory act shall not take effect unless
21 Senate Bill No. 312
22 of the 85th Legislature is enacted into law.