

SENATE BILL No. 610

October 17, 1989, Introduced by Senators KELLY, NICHOLS
and V. SMITH and referred to the Committee on Judiciary.

A bill to amend section 364 of Act No. 328 of the Public
Acts of 1931, entitled
"The Michigan penal code,"
being section 750.364 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 364 of Act No. 328 of the Public Acts of
2 1931, being section 750.364 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 364. ~~Larceny from libraries~~ Any person who shall
5 procure, or take in any way from any public library or the
6 library of any literary, scientific, historical or library soci-
7 ety or association, whether incorporated or unincorporated, any
8 book, pamphlet, map, chart, painting, picture, photograph,
9 periodical, newspaper, magazine, manuscript or exhibit or any
10 part thereof, with intent to convert the same to his own use, or

1 ~~with intent to defraud the owner thereof, or who having procured~~
2 ~~or taken any such book, pamphlet, map, chart, painting, picture,~~
3 ~~photograph, periodical, newspaper, magazine, manuscript or~~
4 ~~exhibit or any part thereof, shall thereafter convert the same to~~
5 ~~his own use or fraudulently deprive the owner thereof, shall be~~
6 ~~guilty of a misdemeanor.~~

7 (1) A PERSON SHALL NOT DO ANY OF THE FOLLOWING:

8 (A) PROCURE OR TAKE ANY MATERIAL FROM A LIBRARY WITH THE
9 INTENT TO CONVERT THAT MATERIAL TO HIS OR HER OWN USE.

10 (B) PROCURE OR TAKE ANY MATERIAL FROM A LIBRARY AND CONVERT
11 THAT MATERIAL TO HIS OR HER OWN USE.

12 (C) PROCURE OR TAKE ANY MATERIAL FROM A LIBRARY WITH THE
13 INTENT TO DEFRAUD THE OWNER OF THAT MATERIAL.

14 (D) PROCURE OR TAKE ANY MATERIAL FROM A LIBRARY AND FRAUDU-
15 LENTLY DEPRIVE THE OWNER OF THAT MATERIAL.

16 (2) A PERSON WHO VIOLATES SUBSECTION (1) IS GUILTY OF A MIS-
17 DEMEANOR, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS,
18 OR BY A FINE OF NOT MORE THAN \$100.00, OR BOTH.

19 (3) AS USED IN THIS SECTION:

20 (A) "LIBRARY" MEANS A PUBLIC LIBRARY, OR THE LIBRARY OF A
21 LITERARY, SCIENTIFIC, HISTORICAL, OR LIBRARY SOCIETY OR
22 ASSOCIATION.

23 (B) "MATERIAL" MEANS A BOOK, PAMPHLET, MAP, CHART, PAINTING,
24 PICTURE, PHOTOGRAPH, PERIODICAL, NEWSPAPER, MAGAZINE, MANUSCRIPT,
25 SOUND RECORDING, VIDEO TAPE, TOOL, EXHIBIT, OR OBJECT FOR LOAN OR
26 DISPLAY, OR ANY PART OF A BOOK, PAMPHLET, MAP, CHART, PAINTING,
27 PICTURE, PHOTOGRAPH, PERIODICAL, NEWSPAPER, MAGAZINE, MANUSCRIPT,

- 1 SOUND RECORDING, VIDEO TAPE, TOOL, EXHIBIT, OR OBJECT FOR LOAN OR
- 2 DISPLAY.