

HOUSE BILL No. 4058

January 22, 2007, Introduced by Rep. Wojno and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 492b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 492B. (1) A PERSON SHALL NOT KNOWINGLY USE A PUBLIC
2 RECORD, OR KNOWINGLY USE INFORMATION OBTAINABLE ONLY THROUGH A
3 PUBLIC RECORD, TO COMMIT OR ATTEMPT TO COMMIT A CRIME. A PERSON WHO
4 VIOLATES THIS SUBSECTION IS GUILTY AS FOLLOWS:

5 (A) IF THE CRIME COMMITTED IS A MISDEMEANOR, THE PERSON IS
6 GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE
7 THAN 93 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR BOTH.

8 (B) IF THE CRIME COMMITTED IS A FELONY, THE PERSON IS GUILTY
9 OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR

1 A FINE OF NOT MORE THAN \$10,000.00, OR BOTH.

2 (2) THIS SECTION DOES NOT PROHIBIT A PERSON FROM BEING CHARGED
3 WITH, CONVICTED OF, OR SENTENCED FOR ANY OTHER VIOLATION OF LAW
4 ARISING OUT OF THE SAME TRANSACTION AS THE VIOLATION OF THIS
5 SECTION.

6 (3) AS USED IN THIS SECTION:

7 (A) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,
8 ASSOCIATION, GOVERNMENTAL ENTITY, OR OTHER LEGAL ENTITY.

9 (B) "PUBLIC RECORD" MEANS THAT TERM AS DEFINED IN SECTION 2 OF
10 THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.232.