

HOUSE BILL NO. 5948

July 22, 2020, Introduced by Rep. Hoadley 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**



STM



03965'19 a

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

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

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

Enacting section 2. This amendatory act does not take effect unless Senate Bill No.____ or House Bill No. 5947 (request no. 03965'19) of the 100th Legislature is enacted into law.

