

**THE MICHIGAN PENAL CODE (EXCERPT)**

**Act 328 of 1931**

**CHAPTER LVI**

**MALICIOUS AND WILFUL MISCHIEF AND DESTRUCTION**

**750.377 Repealed. 1994, Act 126, Eff. Mar. 30, 1995.**

**Compiler's note:** The repealed section pertained to maliciously destroying, injuring, or poisoning of animals.

**750.377a Willful and malicious destruction of personal property; enhanced sentence.**

Sec. 377a. (1) A person who willfully and maliciously destroys or injures the personal property of another person is guilty of a crime as follows:

(a) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$15,000.00 or 3 times the amount of the destruction or injury, whichever is greater, or both imprisonment and a fine:

(i) The amount of the destruction or injury is \$20,000.00 or more.

(ii) The person violates subdivision (b)(i) and has 2 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subparagraph, however, a prior conviction does not include a conviction for a violation or attempted violation of subdivision (c)(ii), (e), or (f).

(b) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$10,000.00 or 3 times the amount of the destruction or injury, whichever is greater, or both imprisonment and a fine:

(i) The amount of the destruction or injury is \$1,000.00 or more but less than \$20,000.00.

(ii) The person violates subdivision (c)(i) and has 1 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subparagraph, however, a prior conviction does not include a conviction for a violation or attempted violation of subdivision (c)(ii), (e), or (f).

(c) If any of the following apply, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$2,000.00 or 3 times the amount of the destruction or injury, whichever is greater, or both imprisonment and a fine:

(i) The amount of the destruction or injury is \$200.00 or more but less than \$1,000.00.

(ii) The person violates subdivision (e) or (f) and has 1 or more prior convictions for committing or attempting to commit an offense under this section or a local ordinance substantially corresponding to this section.

(d) If the person and the property owner are spouses or former spouses, have or have had a dating relationship, have or have had a child in common, or are residents or former residents of the same household, and any of the following apply, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$2,000.00 or 3 times the amount of the destruction or injury, whichever is greater, or both imprisonment and a fine:

(i) The amount of the destruction or injury is \$200.00 or more but less than \$1,000.00.

(ii) The person violates subdivision (e) or (f) and has 1 or more prior convictions for committing or attempting to commit an offense under this section or a local ordinance substantially corresponding to this section.

(e) If the amount of the destruction or injury is less than \$200.00, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00 or 3 times the amount of the destruction or injury, whichever is greater, or both imprisonment and a fine.

(f) If the person and the property owner are spouses or former spouses, have or have had a dating relationship, have or have had a child in common, or are residents or former residents of the same household and the amount of the destruction or injury is less than \$200.00, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00 or 3 times the amount of the destruction or injury, whichever is greater, or both imprisonment and a fine.

(2) The amounts of destruction or injury in separate incidents pursuant to a scheme or course of conduct within any 12-month period may be aggregated in determining the total amount of the destruction or injury.

(3) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions must be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following:

- (a) A copy of the judgment of conviction.
- (b) A transcript of a prior trial, plea-taking, or sentencing.
- (c) Information contained in a presentence report.
- (d) The defendant's statement.

(4) If the sentence for a conviction under this section is enhanced by 1 or more prior convictions, those prior convictions must not be used to further enhance the sentence for the conviction pursuant to section 10, 11, or 12 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12.

(5) As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context.

**History:** Add. 1941, Act 51, Eff. Jan. 10, 1942;—CL 1948, 750.377a;—Am. 1957, Act 69, Eff. Sept. 27, 1957;—Am. 1998, Act 311, Eff. Jan. 1, 1999;—Am. 2023, Act 199, Eff. Feb. 13, 2024.

#### **750.377b Malicious destruction of property; property of police or fire department.**

Sec. 377b. Maliciously destroying or injuring certain personal property—Any person who shall wilfully and maliciously destroy or injure the personal property of any fire or police department, including the Michigan state police, shall be guilty of a felony.

**History:** Add. 1941, Act 209, Eff. Jan. 10, 1942;—CL 1948, 750.377b.

#### **750.377c Intentional damage, destruction, or alteration of school bus as felony; penalty; "school bus" defined.**

Sec. 377c. (1) If a person intentionally damages, destroys, or alters a school bus without the permission of the entity that owns that school bus and that damage, destruction, or alteration creates a health or safety hazard to any individual occupying that school bus or who may occupy that school bus, the person is guilty of a felony punishable by imprisonment for not more than 5 years, or a fine of not more than \$5,000.00, or both.

(2) As used in this section, "school bus" means that term as defined in section 57 of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being section 257.57 of the Michigan Compiled Laws. School bus includes a school transportation vehicle as that term is defined in section 57c of Act No. 300 of the Public Acts of 1949, being section 257.57c of the Michigan Compiled Laws, if that vehicle is clearly marked as a school transportation vehicle.

**History:** Add. 1995, Act 13, Eff. Aug. 1, 1995.

#### **750.377d Damaging, injuring, defacing, dismantling, tampering with, or removing traffic control device as crime; violation of law arising out of same transaction; "traffic control device" defined.**

Sec. 377d. (1) A person who willfully and maliciously damages, destroys, injures, defaces, dismantles, tampers with, or removes a traffic control device is guilty of a crime as follows:

(a) Except as provided in subdivisions (b) and (c), the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

(b) A person who violates this section and has 1 prior conviction for violating this section is guilty of a misdemeanor punishable by imprisonment for not more than 180 days or a fine of not more than \$1,000.00, or both.

(c) A person who violates this section and has 2 or more prior convictions for violating this section is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$10,000.00, or both.

(2) This section does not prohibit the person from being charged with, convicted of, or sentenced for any other violation of law arising out of the same transaction as the violation of this section in addition to being charged with, convicted of, or sentenced for the violation of this section.

(3) As used in this section, "traffic control device" means a sign, signal, electronic traffic control sign or signal, marking, light post, railroad sign or signal, or device not inconsistent with the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic, maintaining highway safety, or providing information to motor vehicle operators.

**History:** Add. 2016, Act 111, Eff. Aug. 8, 2016.

#### **750.378 Malicious destruction of property; dam, reservoir, canal, trench.**

Sec. 378. Maliciously destroying, injuring, etc., dams, canals, etc.—Any person who shall wilfully and maliciously break down, injure, remove, or destroy any dam, reservoir, canal or trench, or any gate, flume,

flash-boards, or other appurtenances thereof, or any levee or structure for the purpose of conveying water to any such dam or reservoir, or any of the wheels, mill-gear, or machinery of any mill, or shall wilfully or wantonly, without color of right, draw off the water contained in any millpond, reservoir, canal, or trench, shall be guilty of a felony.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.378.

**Former law:** See section 46 of Ch. 154 of R.S. 1846, being CL 1857, § 5790; CL 1871, § 7597; How., § 9168; CL 1897, § 11582; CL 1915, § 15327; CL 1929, § 16923; and Act 211 of 1875.

### **750.379 Malicious destruction of property; bridges.**

Sec. 379. Maliciously injuring or destroying bridges, etc.—Any person who shall wilfully and maliciously break down, injure, remove or destroy any public or toll bridge, or any railroad, or any lock in any dam, or any lock, culvert or embankment of any canal, or who shall wilfully and maliciously make any aperture or breach in any such embankment, with intent to destroy or injure the same, shall be guilty of a felony.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.379.

**Former law:** See section 47 of Ch. 154 of R.S. 1846, being CL 1857, § 5791; CL 1871, § 7598; How., § 9169; CL 1897, § 11583; CL 1915, § 15328; and CL 1929, § 16924.

### **750.380 Willful and malicious destruction of property; house, barn, or building of another.**

Sec. 380. (1) A person shall not willfully and maliciously destroy or injure another person's house, barn, or other building or its appurtenances.

(2) If any of the following apply, a person who violates subsection (1) is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$15,000.00 or 3 times the amount of the destruction or injury, whichever is greater, or both imprisonment and a fine:

(a) The amount of the destruction or injury is \$20,000.00 or more.

(b) The person violates subsection (3)(a) and has 2 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subdivision, however, a prior conviction does not include a conviction for a violation or attempted violation of subsection (4)(b), (5)(b), (6), or (7).

(3) If any of the following apply, a person who violates subsection (1) is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$10,000.00 or 3 times the amount of the destruction or injury, whichever is greater, or both imprisonment and a fine:

(a) The amount of the destruction or injury is \$1,000.00 or more but less than \$20,000.00.

(b) The person violates subsection (4)(a) and has 1 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subdivision, however, a prior conviction does not include a conviction for a violation or attempted violation of subsection (4)(b), (5)(b), (6), or (7).

(4) If any of the following apply, a person who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$2,000.00 or 3 times the amount of the destruction or injury, whichever is greater, or both imprisonment and a fine:

(a) The amount of the destruction or injury is \$200.00 or more but less than \$1,000.00.

(b) The person violates subsection (6) or (7) and has 1 or more prior convictions for committing or attempting to commit an offense under this section or a local ordinance substantially corresponding to this section.

(5) If the person and the property owner are spouses or former spouses, have or have had a dating relationship, have or have had a child in common, or are residents or former residents of the same household and if any of the following apply, the person who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$2,000.00 or 3 times the amount of the destruction or injury, whichever is greater, or both imprisonment and a fine:

(a) The amount of the destruction or injury is \$200.00 or more but less than \$1,000.00.

(b) The person violates subsection (6) or (7) and has 1 or more prior convictions for committing or attempting to commit an offense under this section or a local ordinance substantially corresponding to this section.

(6) If the amount of the destruction or injury is less than \$200.00, a person who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00 or 3 times the amount of the destruction or injury, whichever is greater, or both imprisonment and a fine.

(7) If the person and the property owner are spouses or former spouses, have or have had a dating relationship, have or have had a child in common, or are residents or former residents of the same household and if the amount of the destruction or injury is less than \$200.00, the person who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than

\$500.00 or 3 times the amount of the destruction or injury, whichever is greater, or both imprisonment and a fine.

(8) The amounts of the destruction or injury in separate incidents pursuant to a scheme or course of conduct within any 12-month period may be aggregated to determine the total amount of the destruction or injury.

(9) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions must be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following:

- (a) A copy of the judgment of conviction.
- (b) A transcript of a prior trial, plea-taking, or sentencing.
- (c) Information contained in a presentence report.
- (d) The defendant's statement.

(10) If the sentence for a conviction under this section is enhanced by 1 or more prior convictions, those prior convictions must not be used to further enhance the sentence for the conviction pursuant to section 10, 11, or 12 of chapter IX of the code of criminal procedure, 1927 PA 175, 769.10, 769.11, and 769.12.

(11) As used in this section, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.380;—Am. 1957, Act 69, Eff. Sept. 27, 1957;—Am. 1998, Act 311, Eff. Jan. 1, 1999;—Am. 2023, Act 199, Eff. Feb. 13, 2024.

**Former law:** See section 48 of Ch. 154 of R.S. 1846, being CL 1857, § 5792; CL 1871, § 7599; How., § 9170; CL 1897, § 11584; CL 1915, § 15329; CL 1929, § 16925; and Act 31 of 1877.

#### **750.381 Malicious destruction of property; fences or opening gates.**

Sec. 381. Maliciously breaking down or injuring fences or opening gates, etc.—Any person who shall maliciously break down, injure, mar or deface any fence belonging to or enclosing lands not his own, or shall maliciously throw down or open any gate, bars or fence, and leave the same down or open, shall be guilty of a misdemeanor.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.381.

**Former law:** See section 49 of Ch. 154 of R.S. 1846, being CL 1857, § 5793; CL 1871, § 7600; How., § 9171; CL 1897, § 11585; CL 1915, § 15330; CL 1929, § 16926; Act 206 of 1848; and Act 47 of 1849.

#### **750.382 Maliciously destroying or injuring trees, shrubs, grass, turf, plants, crops, or soil.**

Sec. 382. (1) A person who willfully and maliciously, or wantonly and without cause, cuts down, destroys, or injures any tree, shrub, grass, turf, plants, crops, or soil of another that is standing, growing, or located on the land of another is guilty of a crime as follows:

(a) If the value of the trees, shrubs, grass, turf, plants, crops, or soil cut down, destroyed, or injured is less than \$200.00, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00 or 3 times the value of the trees, shrubs, grass, turf, plants, crops, or soil, whichever is greater, or both imprisonment and a fine.

(b) If any of the following apply, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$2,000.00 or 3 times the value of the trees, shrubs, grass, turf, plants, crops, or soil, whichever is greater, or both imprisonment and a fine:

(i) The value of the trees, shrubs, grass, turf, plants, or soil cut down, destroyed, or injured is \$200.00 or more but less than \$1,000.00.

(ii) The person violates subdivision (a) and has 1 or more prior convictions for committing or attempting to commit an offense under this section or a local ordinance substantially corresponding to this section.

(c) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$10,000.00 or 3 times the value of the trees, shrubs, grass, turf, plants, crops, or soil, whichever is greater, or both imprisonment and a fine:

(i) The value of the trees, shrubs, grass, turf, plants, crops, or soil cut down, destroyed, or injured is \$1,000.00 or more but less than \$20,000.00.

(ii) The person violates subdivision (b)(i) and has 1 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subparagraph, however, a prior conviction does not include a conviction for a violation or attempted violation of subdivision (a) or (b)(ii).

(d) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$15,000.00 or 3 times the value of the trees, shrubs, grass, turf, plants, crops, or soil, whichever is greater, or both imprisonment and a fine:

(i) The value of the trees, shrubs, grass, turf, plants, crops, or soil cut down, destroyed, or injured is \$20,000.00 or more.

(ii) The person violates subdivision (c)(i) and has 2 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subparagraph, however, a prior conviction does not include a conviction for a violation or attempted violation of subdivision (a) or (b)(ii).

(2) The secretary of state shall suspend the operator's or chauffeur's license of a person convicted of a violation or attempted violation of subsection (1) who committed the offense with a vehicle, as provided in section 319 of the Michigan vehicle code, 1949 PA 300, MCL 257.319. As used in this subsection, "vehicle" means that term as defined in section 79 of the Michigan vehicle code, 1949 PA 300, MCL 257.79.

(3) The values of trees, shrubs, grass, turf, plants, crops, or soil cut down, destroyed, or injured in separate incidents pursuant to a scheme or course of conduct within any 12-month period may be aggregated to determine the total value of trees, shrubs, grass, turf, plants, crops, or soil cut down, destroyed, or injured.

(4) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions shall be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following:

(a) A copy of the judgment of conviction.

(b) A transcript of a prior trial, plea-taking, or sentencing.

(c) Information contained in a presentence report.

(d) The defendant's statement.

(5) If the sentence for a conviction under this section is enhanced by 1 or more prior convictions, those prior convictions shall not be used to further enhance the sentence for the conviction pursuant to section 10, 11, or 12 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.382;—Am. 1980, Act 159, Eff. Mar. 31, 1981;—Am. 1998, Act 311, Eff. Jan. 1, 1999;—Am. 1998, Act 344, Eff. Oct. 1, 1999.

**Former law:** See section 49 of Ch. 154 of R.S. 1846, being CL 1857, § 5793; CL 1871, § 7600; How., § 9171; CL 1897, § 11585; CL 1915, § 15330; CL 1929, § 16926; Act 206 of 1848; Act 47 of 1849; and section 1 of Act 174 of 1855, being CL 1857, § 5801; CL 1871, § 7610; How., § 9194; CL 1897, § 11647; CL 1915, § 15416; CL 1929, § 17003; and Act 202 of 1875.

### **750.383 Malicious destruction of property; boundary markers; defacing inscriptions, buildings and sign boards; light bulbs.**

Sec. 383. Maliciously injuring or destroying boundary markers, guide posts, etc.—Any person who shall wilfully or maliciously break down, injure, remove or destroy any monument erected for the purpose of designating the boundaries of this state or any municipality thereof, or of any tract or lot of land, or any tree marked for that purpose, or shall so break down, injure, remove or destroy any milestone, mileboard, guidepost or guide board, lawfully erected upon any highway, or other public way or railroad, or shall wilfully or maliciously deface, or alter the inscription on any such stone, post or board, or shall wilfully or maliciously mar or deface any building or sign board, or extinguish any lamp, or break, injure, destroy or remove any gas lamp, oil lamp, electric light globe or bulb, or any railing or lamp post, erected on any bridge, sidewalk, street, highway, court or passage, or shall wilfully or maliciously injure, remove, deface or destroy any board or structure lawfully erected or used for the posting of bills, posters, or other notices, or shall wilfully or maliciously mutilate, deface or destroy any bill, poster, or other printed or written notice lawfully posted on any board or structure used for that purpose, without the consent of the owner or occupant thereof, shall be guilty of a misdemeanor.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—Am. 1941, Act 190, Imd. Eff. June 16, 1941;—CL 1948, 750.383.

**Former law:** See section 50 of Ch. 154 of R.S. 1846, being CL 1857, § 5794; CL 1871, § 7601; How., § 9172; CL 1897, § 11586; CL 1915, § 15331; CL 1929, § 16927; Act 106 of 1877; and Act 280 of 1913.

### **750.383a Destruction of certain property used in connection with appliance or component of electric, telecommunication, or natural gas infrastructure that is property of utility; violation; penalty; "utility" defined.**

Sec. 383a. A person, without lawful authority, shall not willfully cut, break, obstruct, injure, destroy, tamper with or manipulate, deface, or steal any machinery, tools, equipment, telephone line or post, telegraph



line or post, telecommunication line, tower, or post, electric line, post, tower or supporting structures, electric wire, insulator, switch, or signal, natural gas pipeline, water pipeline, steam heat pipeline or the valves or other appliances or equipment appertaining to or used in connection with those lines, or any other appliance or component of the electric, telecommunication, or natural gas infrastructure that is the property of a utility. A person who violates this section is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$5,000.00, or both. As used in this section, "utility" includes any pipeline, gas, electric, heat, water, oil, sewer, telephone, telegraph, telecommunication, radio, railway, railroad, airplane, transportation, communication or other system, whether or not publicly owned, that is operated for the public use.

**History:** Add. 1941, Act 190, Imd. Eff. June 16, 1941;—Am. 1947, Act 61, Imd. Eff. Apr. 28, 1947;—CL 1948, 750.383a;—Am. 2008, Act 413, Eff. Mar. 1, 2009.

#### **750.384 Malicious destruction of property; logs, timber.**

Sec. 384. Maliciously injuring logs, timber, etc.—Any person who shall wilfully and maliciously drive, or cause to be driven or imbedded, any nail, spike, or piece of iron, steel or other metallic substance into any timber, log, or bolt which may now be or may hereafter be put on the banks of or in any of the waters, or any mill yards of this state for the purposes of being made into lumber or marketed, shall be guilty of a misdemeanor.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.384.

**Former law:** See section 1 of Act 162 of 1869, being CL 1871, § 7618; How., § 9183; CL 1897, § 11596; CL 1915, § 15351; and CL 1929, § 17009.

#### **750.385 Malicious destruction of property; signs, bills and notices placed on private property.**

Sec. 385. Destroying and injuring signs, bills and notices placed on private property—Any person who shall wilfully tear down, destroy or in any manner deface any signs, bill or notices on any private lands of this state, or on any lots or premises in any township, city or village shall be guilty of a misdemeanor: Provided, That such signs, bill or notices are not in violation of any general law of the state or municipal ordinance, and were placed by the owner or lessee or by their consent.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.385.

**Former law:** See sections 1 and 2 of Act 89 of 1897, being CL 1897, §§ 11606 and 11607; CL 1915, §§ 15371 and 15372; and CL 1929, §§ 17004 and 17005.

#### **750.386 Malicious destruction of property; machinery and appliances.**

Sec. 386. Maliciously injuring or destroying machinery and appliances used for pumping, signaling or hoisting of men or materials in mines—Any person who shall wilfully and maliciously cut, break, obstruct, injure or destroy or cause to be cut, broken, obstructed, injured or destroyed, any pump, pumprod, man-engine, ladder, ladderway, skip, skip-track, car, car-track, bell, signal, rope, cable, cage, air-compressor, steam boiler, electric generator, or any other appliance or thing whether herein particularly mentioned or not, the same being above ground or under ground in any mine, used for or connected with the hoisting or pumping apparatus, or means of conveyance or escape from any mine; or any stull, timber, plank, platform or other appliance or other thing, whether herein particularly mentioned or not, used for or connected with securing or upholding rock, or used for or connected with the purpose of securing the safety of workmen, the same being under ground in any mine; or shall do the like to any engine house, boiler house, electrical generator house, shaft house or any other structure above ground containing machinery or appliances used for or connected with the pumping, signaling or hoisting of men or materials, or with securing the safety of workmen underground, such mine not being then and there an abandoned mine, shall be guilty of felony, punishable by imprisonment in the state prison not more than 20 years, or by fine of not more than 10,000 dollars.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.386.

**Former law:** See section 1 of Act 2 of 1889, being How., § 9209b; CL 1897, § 11651; CL 1915, § 15422; CL 1929, § 17017; and Act 31 of 1927.

#### **750.387 Willful destruction of property; memorials of dead; protective or ornamental structures; trees, shrubs, or plants; violation as misdemeanor or felony; penalties; enhanced sentence based on prior convictions.**

Sec. 387. (1) A person, other than the burial right owner or his or her representative, heir at law, or a person having care, custody, or control of a cemetery pursuant to law, a contract, or other legal right, shall not

willfully destroy, mutilate, deface, injure, or remove a tomb, monument, gravestone, or other structure or thing placed or designed for a memorial of the dead, or a fence, railing, curb, or other thing intended for the protection or for the ornament of any tomb, monument, gravestone, or other structure described in this subsection or any other enclosure for the burial of the dead and shall not willfully destroy, mutilate, remove, cut, break, or injure any tree, shrub, or plant, placed or being within such an enclosure.

(2) Prosecution under subsection (1) may commence upon complaint by the burial right owner or his or her representative, heir at law, or person having care, custody, or control of a cemetery, tomb, monument, gravestone, or other structure or thing described in subsection (1).

(3) If the total amount of damage is less than \$200.00, a person who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00 or 3 times the amount of damage, whichever is greater, or both imprisonment and a fine.

(4) If any of the following apply, a person who violates subsection (1) is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$2,000.00 or 3 times the amount of damage, whichever is greater, or both imprisonment and a fine:

(a) The total amount of damage is \$200.00 or more but less than \$1,000.00.

(b) The total amount of damage is less than \$200.00 and the person has 1 or more prior convictions for committing or attempting to commit an offense under this section or a local ordinance substantially corresponding to this section.

(5) If any of the following apply, a person who violates subsection (1) is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$10,000.00 or 3 times the amount of damage, whichever is greater, or both imprisonment and a fine:

(a) The total amount of damage is \$1,000.00 or more but less than \$20,000.00.

(b) The total amount of damage is \$200.00 or more but less than \$1,000.00 and the person has 1 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subdivision, however, a prior conviction does not include a conviction for a violation or attempted violation of subsection (3) or (4)(b).

(6) If any of the following apply, a person who violates subsection (1) is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$15,000.00 or 3 times the amount of damage, whichever is greater, or both imprisonment and a fine:

(a) The total amount of damage is \$20,000.00 or more.

(b) The total amount of damage is \$1,000.00 or more but less than \$20,000.00 and the person has 2 or more prior convictions for committing or attempting to commit an offense under this section. For purposes of this subdivision, however, a prior conviction does not include a conviction for a violation or attempted violation of subsection (3) or (4)(b).

(7) The amounts of damage in separate incidents pursuant to a scheme or course of conduct within any 12-month period may be aggregated in determining the total amount of damage.

(8) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions shall be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following:

(a) A copy of the judgment of conviction.

(b) A transcript of a prior trial, plea-taking, or sentencing.

(c) Information contained in a presentence report.

(d) The defendant's statement.

(9) If the sentence for a conviction under this section is enhanced by 1 or more prior convictions, those prior convictions shall not be used to further enhance the sentence for the conviction pursuant to section 10, 11, or 12 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.387;—Am. 1974, Act 166, Eff. Apr. 1, 1975;—Am. 1998, Act 311, Eff. Jan. 1, 1999.

**Former law:** See section 22 of Ch. 158 of R.S. 1846, being CL 1857, § 5877; CL 1871, § 7712; How., § 9298; CL 1897, § 11711; CL 1915, § 15485; and CL 1929, § 16837.

### **750.388 Malicious destruction of property; personal property seized by legal process.**

Sec. 388. Removing, injuring or destroying personal property seized by legal process—Any person or persons who shall remove, destroy, damage or dispose of any personal property that shall have been seized by due process of law issued from any court of competent jurisdiction in this state, while such seizure or levy is

in force, without first giving the bond or other security therefor, if any, required by law, shall be guilty of a misdemeanor.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.388.

**Former law:** See sections 1 and 2 of Act 164 of 1887, being How., §§ 9186a and 9186b; CL 1897, §§ 11617 and 11618; CL 1915, §§ 15381 and 15382; and CL 1929, §§ 16645 and 16646.

#### **750.389 False or malicious statements as to insurance companies.**

Sec. 389. Any person who shall make, utter, circulate, or transmit to another or others any untrue, false, or malicious statement as to the financial condition of any fraternal beneficiary society, insurance company, reciprocal exchange, or other insurer doing business in this state, and shall thereby injure any such fraternal beneficiary society, insurance company, reciprocal exchange, or other insurer, or who shall counsel, aid, procure, or induce another to originate, make, utter, transmit, or circulate any such statement with like purpose is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.389;—Am. 2002, Act 672, Eff. Mar. 31, 2003.

**Former law:** See section 1 of Act 283 of 1923, being CL 1929, § 12674.

#### **750.390 Malicious annoyance by writing.**

Sec. 390. Malicious annoyance by writing—Any person who shall knowingly send or deliver or shall make, and for the purpose of being delivered or sent, shall part with the possession of any letter, postal card or writing containing any obscene language with or without a name subscribed thereto, or signed with a fictitious name, or with any letter, mark or other designation, with the intent thereby to cause annoyance to any person, or with a view or intent to extort or gain any money or property of any description belonging to another, shall be guilty of a misdemeanor.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.390.

**Former law:** See section 1 of Act 162 of 1883, being How., § 9315b; CL 1897, § 11764; CL 1915, § 15575; and CL 1929, § 16814.

#### **750.391 Maliciously injuring or mutilating library books.**

Sec. 391. Maliciously injuring or mutilating library books—Any person who shall wilfully, maliciously or wantonly tear, deface or mutilate or write upon, or by other means injure or mar any book, pamphlet, map, chart, painting, picture, photograph, periodical, newspaper, magazine, manuscript or exhibit or any part thereof belonging to or loaned to any public library, or to the library of any literary, scientific, historical or library society or association, whether incorporated or unincorporated, shall be guilty of a misdemeanor.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.391.

**Former law:** See section 1 of Act 3 of 1881, being How., § 9210; CL 1897, § 11640; CL 1915, § 15406; CL 1929, § 17019; and Act 58 of 1911.

#### **750.392 Vessels, wilfully destroying.**

Sec. 392. Wilfully destroying vessels, etc.—Any person who shall wilfully cast away, burn, sink or otherwise destroy any ship, boat or vessel within the body of any county, with intent to injure or defraud any owner of such ship, boat or vessel, or the owner of any property on board the same, or any insurer of such ship, boat or vessel or property or any part thereof, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 10 years.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.392.

**Former law:** See section 41 of Ch. 154 of R.S. 1846, being CL 1857, § 5785; CL 1871, § 7592; How., § 9163; CL 1897, § 11577; CL 1915, § 15322; and CL 1929, § 16918.

#### **750.393 Buoy or beacon; wilfully removing or destroying.**

Sec. 393. Any person who shall willfully remove or destroy any buoy or beacon placed in any of the waters of the state, by the authority of the United States, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.393;—Am. 2002, Act 672, Eff. Mar. 31, 2003.

#### **750.394 Train, car, or vehicle, throwing, propelling, or dropping stone or object; violation; penalty; “serious impairment” defined.**

Sec. 394. (1) A person shall not throw, propel, or drop a stone, brick, or other dangerous object at a passenger train, sleeping car, passenger coach, express car, mail car, baggage car, locomotive, caboose, or freight train or at a street car, trolley car, or motor vehicle.



(2) A person who violates this section is guilty of a crime as follows:

(a) Except as provided in subdivisions (b), (c), and (d), the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both.

(b) Except as provided in subdivision (c), (d), or (e), if the violation causes property damage, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$500.00, or both.

(c) If the violation causes injury to any person, other than serious impairment or death, the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2,000.00, or both.

(d) If the violation causes serious impairment to any person, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$5,000.00, or both.

(e) If the violation causes death to any person, the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than \$10,000.00, or both.

(3) A criminal penalty provided for under this section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct or for any contempt of court arising from the same conduct.

(4) As used in this section, "serious impairment" means that term as defined in section 58c of the Michigan vehicle code, 1949 PA 300, MCL 257.58c.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.394;—Am. 2003, Act 182, Eff. Jan. 1, 2004.

**Former law:** See section 1 of Act 246 of 1907, being CL 1915, § 8448; CL 1929, § 17038; and Act 2 of 1923.

#### **750.394a Racing event; throwing object at motor vehicle; throwing or placing object on racecourse; misdemeanor; penalty; definition.**

Sec. 394a. (1) A person who knowingly throws any object at a motor vehicle participating in a racing event or who knowingly throws or places any object on a racecourse, without authorization, while a motor vehicle is participating in a racing event is guilty of a misdemeanor, punishable by imprisonment for not more than 1 year, or by a fine of not more than \$1,000.00, or both.

(2) For purposes of this section, "racing event" means a motor vehicle race that is sanctioned by a nationally or internationally recognized racing organization and that is run on a privately owned and operated racecourse, and includes preparations, practices, and qualifications for the race.

**History:** Add. 1986, Act 106, Eff. June 15, 1986.

#### **750.395 Damage or destruction of research property; violation as crime; violation of other law; total value; enhanced sentence; prior convictions; restitution; definitions.**

Sec. 395. (1) A person shall not do either of the following:

(a) Damage or destroy the research property of another person with the intent to do either of the following:

(i) To frighten, intimidate, or harass any person because of the person's participation or involvement in, or cooperation with, research.

(ii) To prevent any person from engaging in any lawful profession, occupation, or activity because of the person's participation or involvement in, or cooperation with, research.

(iii) To prevent, delay, hinder, or otherwise harm the research or use of the research.

(b) Place any object in any research property to prevent the lawful growing, harvesting, transportation, keeping, selling, or processing of that research property.

(2) A person who violates subsection (1) is guilty of a crime as follows:

(a) If the value of the research property is less than \$200.00, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00 or 3 times the value of the research property damaged or destroyed, whichever is greater, or both imprisonment and a fine.

(b) If any of the following apply, the person is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$2,000.00 or 3 times the value of the research property damaged or destroyed, whichever is greater, or both imprisonment and a fine:

(i) The value of the research property is \$200.00 or more but less than \$1,000.00.

(ii) The person violates subdivision (a) and has 1 or more prior convictions for committing or attempting to commit a violation of this section.

(c) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$10,000.00 or 3 times the value of the research property damaged or destroyed, whichever is greater, or both imprisonment and a fine:

(i) The value of the research property is \$1,000.00 or more but less than \$20,000.00.

(ii) The person violates subdivision (b)(i) and has 1 or more prior convictions for violating or attempting to

violate this section. For purposes of this subparagraph, however, a prior conviction does not include a conviction for a violation or attempted violation of subdivision (a) or (b)(ii).

(d) If any of the following apply, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$15,000.00 or 3 times the value of the research property damaged or destroyed, whichever is greater, or both imprisonment and a fine:

(i) The property has a value of \$20,000.00 or more.

(ii) The person violates subdivision (c)(i) and has 2 or more prior convictions for committing or attempting to commit a violation of this section. For purposes of this subparagraph, however, a prior conviction does not include a conviction for a violation or attempted violation of subdivision (a) or (b)(ii).

(e) If the violation results in physical injury to another individual, other than serious impairment of a body function, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$20,000.00 or 3 times the value of the research property damaged or destroyed, whichever is greater, or both imprisonment and a fine.

(f) If the violation causes serious impairment of a body function to another individual, the person is guilty of a felony punishable by imprisonment for not more than 10 years or a fine of not more than \$25,000.00 or 3 times the value of the research property damaged or destroyed, whichever is greater, or both imprisonment and a fine. As used in this subdivision, "serious impairment of a body function" includes, but is not limited to, 1 or more of the following:

(i) The loss of a limb or use of a limb.

(ii) The loss of a hand, foot, finger, or thumb or use of a hand, foot, finger, or thumb.

(iii) The loss of an eye or ear or use of an eye or ear.

(iv) The loss or substantial impairment of a bodily function.

(v) A serious visible disfigurement.

(vi) A comatose state that lasts for more than 3 days.

(vii) Any measurable brain damage or mental impairment.

(viii) A skull fracture or other serious bone fracture.

(ix) A subdural hemorrhage or subdural hematoma.

(g) If the violation causes the death of another individual, the person is guilty of a felony and shall be imprisoned for not more than 15 years and may be fined not more than \$40,000.00 or 3 times the value of the research property damaged or destroyed, whichever is greater.

(3) This section does not prohibit the person from being charged with, convicted of, or punished for any other violation of law arising out of the same criminal transaction as the violation of this section, in lieu of being charged with, convicted of, or punished for the violation of this section.

(4) The value of research property damaged or destroyed in separate incidents pursuant to a scheme or course of conduct within any 12-month period may be aggregated to determine the total value of research property damaged or destroyed.

(5) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions shall be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following:

(a) A copy of the judgment of conviction.

(b) A transcript of a prior trial, plea-taking, or sentencing.

(c) Information contained in a presentence report.

(d) The defendant's statement.

(6) If the sentence for a conviction under this section is enhanced by 1 or more prior convictions, those prior convictions shall not be used to further enhance the sentence for the conviction pursuant to section 10, 11, or 12 of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.10, 769.11, and 769.12.

(7) The court shall order a person convicted of violating this section to pay restitution to the victim. The court may also order the person to pay 1 or more of the following:

(a) All research and development costs for the research property damaged or destroyed that arise out of the violation.

(b) The tuition costs and lost wages of a student conducting research regarding the research property damaged or destroyed or who is unable to conduct or continue research because of a loss that arises out of the violation.

(8) As used in this section:

(a) "Intellectual property" means that term as defined in section 2 of the confidential research information

act, 1994 PA 55, MCL 390.1552.

(b) "Person" means an individual, partnership, corporation, limited liability company, association, educational institution, or other legal or business entity.

(c) "Research" means any lawful activity involving the use of animals, animal products, or other animal substances, intended for or used for scientific purposes, including, but not limited to, research, testing, and experimentation.

(d) "Research property" means all real, personal, and intellectual property related to research belonging to or conducted by a person.

**History:** Add. 2004, Act 520, Eff. Apr. 1, 2005.

**Compiler's note:** Former MCL 750.395, which pertained to prohibiting the publication and circulation of false and malicious statements about candidates for public office, was repealed by Act 116 of 1954, Eff. June 1, 1955.