

HOUSE BILL No. 4680

April 27, 2005, Introduced by Reps. Wojno, Nofs, Angerer, Spade, Polidori, Miller, Sheltrown, Meisner, Bieda, Condino, Kahn, Moore, Garfield, Meyer, Gaffney, Stahl, Hune, Whitmer, Wenke, Stakoe, Mortimer, LaJoy, Green, Steil, David Law, Farhat, Caul, Amos and Pavlov 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) A CRIMINAL PENALTY PROVIDED FOR UNDER THIS SECTION MAY BE
3 IMPOSED IN ADDITION TO ANY PENALTY THAT MAY BE IMPOSED FOR ANY
4 OTHER CRIMINAL OFFENSE ARISING FROM THE SAME CONDUCT OR FOR ANY
5 CONTEMPT OF COURT ARISING FROM THE SAME CONDUCT.

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.