



LAW DEPARTMENT

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April 22, 2024

Detroit City Council
1340 Coleman A. Young
Municipal Center
Detroit, Michigan

Re: Ordinance to amend Chapter 31, *Offenses* to create certain misdemeanor offenses under the City Code that mirror state law and to provide for additional misdemeanor offenses.

Honorable City Council:

At the request of Council Member Benson, the Law Department has prepared an ordinance for the consideration of City Council, which amends Chapter 31 of the 2019 Detroit City Code, *Offenses*; Article I, *Generally*, by amending Section 31-1-1, *Misdemeanor violation; continuing violation; penalties for conviction thereof*; and by amending Article II, *Obstruction of Government*, by adding Section 31-2-5, *False statement to a police officer during an investigation*, Section 31-2-6, *Failure to identify oneself to a police officer*; by renumbering, *Interference with City-owned communication systems prohibited*, to Section 31-2-7, and by adding Section 31-2-8, *Refusal to allow fingerprinting*; by amending Article III, *Offenses Against Persons*, by adding Section 31-3-5, *Assault and battery*, and Section 31-3-6, *Leaving a child unattended in a vehicle*; by amending Article IV, *Offenses Against Property*, by amending Section 31-4-8, *Malicious destruction of property; penalties*, by adding Section 31-4-17, *Throwing, propelling or dropping stone or object at a train, car, or vehicle*, Section 31-4-18, *Embezzlement by agent, servant, employee, trust, bailee, or custodian*, Section 31-4-19, *Larceny*, Section 31-4-20, *Larceny by conversion*, Section 31-4-21, *Larceny by false personation*, Section 31-4-22, *Larceny; motor vehicles or trailers*, Section 31-4-23, *Make, draw, utter or deliver check with non-sufficient funds*, Section 31-4-24, *Receive and conceal stolen goods*, Section 31-4-25, *Retail fraud*, and Section 31-4-26, *Theft by false token or false pretenses*; and by amending Article XIII, *Weapons*; Division 2, *Firearms*, by adding Section 31-13-26, *Possession of a firearm under the influence of intoxicants*; to create certain misdemeanor offenses under the City Code that mirror state law, and to provide for additional misdemeanor offenses. A copy of the ordinance which has been approved as to form is attached for your review and consideration.

We are available to answer any questions that you may have concerning this proposed ordinance.

Respectfully submitted,

/s/ DeYana Simmons-Howard
Assistant Corporation Counsel

Enclosure

cc: Malik Washington, City Council Liaison

S U M M A R Y

This ordinance amends Chapter 31 of the 2019 Detroit City Code, *Offenses*; Article I, *Generally*, by amending Section 31-1-1, *Misdemeanor violation; continuing violation; penalties for conviction thereof*; and by amending Article II, *Obstruction of Government*, by adding Section 31-2-5, *False statement to a police officer during an investigation*, Section 31-2-6, *Failure to identify oneself to a police officer*; by renumbering, *Interference with City-owned communication systems prohibited*, to Section 31-2-7, and by adding Section 31-2-8, *Refusal to allow fingerprinting*; by amending Article III, *Offenses Against Persons*, by adding Section 31-3-5, *Assault and battery*, and Section 31-3-6, *Leaving a child unattended in a vehicle*; by amending Article IV, *Offenses Against Property*, by amending Section 31-4-8, *Malicious destruction of property; penalties*, by adding Section 31-4-17, *Throwing, propelling or dropping stone or object at a train, car, or vehicle*, Section 31-4-18, *Embezzlement by agent, servant, employee, trust, bailee, or custodian*, Section 31-4-19, *Larceny*, Section 31-4-20, *Larceny by conversion*, Section 31-4-21, *Larceny by false personation*, Section 31-4-22, *Larceny; motor vehicles or trailers*, Section 31-4-23, *Make, draw, utter or deliver check with non-sufficient funds*, Section 31-4-24, *Receive and conceal stolen goods*, Section 31-4-25, *Retail fraud*, and Section 31-4-26, *Theft by false token or false pretenses*; and by amending Article XIII, *Weapons*; Division 2, *Firearms*, by adding Section 31-13-26, *Possession of a firearm under the influence of intoxicants*; to create certain misdemeanor offenses under the City Code that mirror state law, and to provide for additional misdemeanor offenses.

1 **BY COUNCIL MEMBER _____ :**

2 **AN ORDINANCE** to amend Chapter 31 of the 2019 Detroit City Code, *Offenses*; Article
3 I, *Generally*, by amending Section 31-1-1, *Misdemeanor violation; continuing violation; penalties*
4 *for conviction thereof*; and by amending Article II, *Obstruction of Government*, by adding Section
5 31-2-5, *False statement to a police officer during an investigation*, Section 31-2-6, *Failure to*
6 *identify oneself to a police officer*; by renumbering, *Interference with City-owned communication*
7 *systems prohibited*, to Section 31-2-7, and by adding Section 31-2-8, *Refusal to allow*
8 *fingerprinting*; by amending Article III, *Offenses Against Persons*, by adding Section 31-3-5,
9 *Assault and battery*, and Section 31-3-6, *Leaving a child unattended in a vehicle*; by amending
10 Article IV, *Offenses Against Property*, by amending Section 31-4-8, *Malicious destruction of*
11 *property; penalties*, by adding Section 31-4-17, *Throwing, propelling or dropping stone or object*
12 *at a train, car, or vehicle*, Section 31-4-18, *Embezzlement by agent, servant, employee, trust,*
13 *bailee, or custodian*, Section 31-4-19, *Larceny*, Section 31-4-20, *Larceny by conversion*, Section
14 31-4-21, *Larceny by false personation*, Section 31-4-22, *Larceny; motor vehicles or trailers*,
15 Section 31-4-23, *Make, draw, utter or deliver check with non-sufficient funds*, Section 31-4-24,
16 *Receive and conceal stolen goods*, Section 31-4-25, *Retail fraud*, and Section 31-4-26, *Theft by*
17 *false token or false pretenses*; and by amending Article XIII, *Weapons*; Division 2, *Firearms*, by
18 adding Section 31-13-26, *Possession of a firearm under the influence of intoxicants*; to create
19 certain misdemeanor offenses under the City Code that mirror state law, and to provide for
20 additional misdemeanor offenses.

21 **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:**

22 **Section 1.** That Chapter 31 of the 2019 Detroit City Code, *Offenses*; Article I, by amending
23 Section 31-1-1, and Article II, by adding Section 31-2-5, Section 31-2-6; renumbering Section 31-
24 2-7, and by adding Section 31-2-8, by amending Article III, by adding Section 31-3-5, and Section

1 31-3-6, by amending Article IV, by amending Section 31-4-8, by adding Section 31-4-17, Section
2 31-4-18, Section 31-4-19, Section 31-4-20, Section 31-4-21, Section 31-4-22, Section 31-4-23,
3 Section 31-4-24, Section 31-4-25, and Section 31-4-26, and by amending Article XIII, Division 2,
4 by adding Section 31-13-26, to read as follows:

5 **CHAPTER 31. OFFENSES**

6 **ARTICLE I. GENERALLY**

7 **Sec. 31-1-1. Misdemeanor violation; continuing violation; penalties for conviction thereof.**

8 (a) It shall be unlawful for any person to violate any provision of this chapter.

9 (b) Any person who violates this chapter may be issued a misdemeanor violation for
10 each day that the violation continues.

11 (c) ~~Except for the penalties that are provided for in Sections 31-3-4, 31-9-42, 31-11-4,~~
12 ~~31-11-5, 31-13-23, and 31-13-24 of this Code, Unless otherwise provided,~~ any person who is found
13 guilty of violating any provision of this chapter shall be convicted of a misdemeanor for each
14 violation that is issued and, in the discretion of the court, may be fined up to \$500.00 and sentenced
15 up to 90 days in jail, or both, for each misdemeanor violation that is issued.

16 **ARTICLE II. OBSTRUCTION OF GOVERNMENT**

17 **Sec. 31-2-5. False statement to an officer during an investigation.**

18 (a) It shall be unlawful for a person who is informed by a police officer that he or she
19 is conducting a misdemeanor investigation to do any of the following:

20 (1) By any trick, scheme, or device, knowingly and willfully conceal from the police
21 officer any material fact relating to the criminal investigation;

22 (2) Knowingly and willfully make any statement to the police officer that the person
23 knows is false or misleading regarding a material fact in that criminal investigation;

24 or,

1 (3) Knowingly and willfully issue or otherwise provide any writing or document to the
2 police officer that the person knows is false or misleading regarding a material fact
3 in that criminal investigation.

4 (b) A person who violates Subsection (a) of this section is guilty of a misdemeanor
5 punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00 or both.

6 **Sec. 31-2-6. Failure to identify oneself to a police officer.**

7 It shall be unlawful for a person to refuse to identify himself or herself upon the lawful
8 request of a police officer, provided that a lawful request shall meet the following requirements:

9 (1) A police officer may detain any person whom the officer encounters under the
10 following circumstances:

11 a. Reasonable suspicion that the person has committed, is committing, or is
12 about to commit a crime.

13 b. Reasonable suspicion that the person has violated or is violating the
14 conditions of his or her parole or probation.

15 (2) An officer may detain the person pursuant to this section only to ascertain his or
16 her identity and the surrounding suspicious circumstances. Any person so detained
17 shall identify himself or herself, but the person may not be compelled to answer
18 any other inquiry of any police officer.

19 **Sec. 31-2-7. Interference with City-owned communication systems prohibited.**

20 It shall be unlawful for any person to operate or cause to be operated any software, app,
21 machine, device, apparatus, or instrument of any kind whatsoever, which shall cause preventable
22 interference with the proper function of City-owned and operated communication systems.

1 **Sec. 31-2-8. Refusal to allow fingerprinting.**

2 It shall be unlawful for a person to refuse to allow or to resist the collection of his or her
3 biometric data if authorized or required by state law.

4 **Secs. 31-2-9—31-2-30. Reserved.**

5 **ARTICLE III. OFFENSES AGAINST PERSONS**

6 **Sec. 31-3-5. Assault and battery.**

7 (a) It shall be unlawful for a person to assault or assault and batter an individual.

8 (b) A person who violates Subsection (a) of this section is guilty of a misdemeanor
9 punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

10 **Sec. 31-3-6. Leaving a child unattended in a vehicle.**

11 (a) It shall be unlawful for an individual to leave a child less than 6 years of age
12 unattended by an individual 13 years of age or older, in a vehicle for a period of time that poses an
13 unreasonable risk of harm or injury to the child or under circumstances that pose an unreasonable
14 risk of harm or injury to the child.

15 (b) A person who violates Subsection (a) of this section is guilty of a misdemeanor
16 punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

17 **Secs. 31-3-7-31-3-20. Reserved.**

18 **ARTICLE IV. OFFENSES AGAINST PROPERTY**

19 **Sec. 31-4-8. Malicious destruction of property; penalties.**

20 (a) No person shall willfully and maliciously destroy, damage, mutilate, or in any
21 manner deface, including, but not limited to, placing graffiti upon any real or personal property of
22 another person, whether public or private, where the resulting damage is less than \$200.00.

23 (b) It shall be unlawful for a person to willfully and maliciously, or wantonly and
24 without cause, cut down, destroy, or injure any tree, shrub, grass, turf, plants, crops, or soil of

1 another that is standing, growing, or located on the land of another, if the value of the tree, shrub,
2 grass, turf, plants, crops, or soil cut down, destroyed or injured is less than \$200.00.

3 (c) Because a violation of this section substantially corresponds to a violation of
4 Sections 377a(1)(d), 380(1), 380(5) Act 328 of the Michigan Penal Code, being MCL
5 750.377a(1)(d), MCL 750.380(1), ~~and~~ MCL 750.380(5), and MCL 750.382, the penalty for
6 violation shall be imprisonment for not more than 93 days or a fine of not more than \$500.00, or
7 both, for each such offense, in accordance with Section 3(k) and Section 4i(k) of the Michigan
8 Home Rule City Act, being MCL 117.3(k) and MCL 117.4i(k), and Section 1-1-9(a)(1) of this
9 Code.

10 **Sec. 31-4-17. Throwing, propelling or dropping stone or object at a train, car, or vehicle.**

11 (a) It shall be unlawful for a person to throw, propel, or drop a stone, brick, or other
12 dangerous object at a passenger train, sleeping car, passenger coach, express car, mail car, baggage
13 car, locomotive, caboose, or freight train or at a street car, trolley car, or motor vehicle.

14 (b) A person who violates Subsection (a) of this section is guilty of a misdemeanor
15 punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both.

16 **Sec. 31-4-18. Embezzlement by agent, servant, employee, trustee, bailee, or custodian.**

17 (a) It shall be unlawful for a person who as the agent, servant or employee, of another
18 person, governmental entity within the City, or other legal entity or who as the trustee, bailee, or
19 custodian of the property of another person, governmental entity within the City, or other legal
20 entity fraudulently disposes of or converts to his or her own use, or takes or secretes with the intent
21 to convert to his or her own use without the consent of his or her principal, any money or other
22 personal property valued at less than \$200.00, of his or her principal that has come to that person's
23 possession or that is under his or her charge or control by virtue of his or her being an agent,
24 servant, employee, trustee, bailee, or custodian, is guilty of embezzlement.

1 **(b)** A person who violates Subsection (a) of this section is guilty of a misdemeanor
2 punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

3 **Sec. 31-4-19. Larceny.**

4 **(a)** It shall be unlawful for a person to steal from another person any of the following
5 property valued at less than \$200.00:

6 **(1)** Money, goods, or chattels;

7 **(2)** A bank note, bank bill, bond, promissory note, due bill, bill of exchange or other
8 bill, draft, order, or certificate;

9 **(3)** A book of accounts for or concerning money or goods due, to become due, or to be
10 delivered;

11 **(4)** A deed or writing containing a conveyance of land or other valuable contract in
12 force;

13 **(5)** A receipt, release, or defeasance;

14 **(6)** A writ, process, or public record; or

15 **(7)** Scrap metal.

16 **a.** The value of the property stolen includes the greatest of the following:

17 **i.** The replacement cost of the stolen scrap metal; or,

18 **ii.** The cost of repairing the damage caused by the larceny of the scrap
19 metal.

20 **(b)** A person who violates Subsection (a) of this section is guilty of a misdemeanor
21 punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00 or both.

22 **Sec. 31-4-20. Larceny by conversion.**

23 **(a)** It shall be unlawful for any person to whom any money, goods or other property
24 valued at \$200.00 or less, which may be the subject of larceny, shall have been delivered, who

1 shall embezzle or fraudulently convert to his or her own use, or shall secrete with the intent to
2 embezzle, or fraudulently use such goods, money or other property, or any part thereof.

3 (b) A person who violates Subsection (a) of this section is guilty of a misdemeanor
4 punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00 or both.

5 **Sec. 31-4-21. Larceny by false personation.**

6 (a) It shall be unlawful for any person who shall falsely personate or represent another,
7 and in such assumed character shall receive any money, or other property valued at less than
8 \$200.00, intended to be delivered to the party so personated, with intent to convert the same to his
9 or her own use.

10 (b) A person who violates Subsection (a) of this section is guilty of a misdemeanor
11 punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00 or both.

12 **Sec. 31-4-22. Larceny; motor vehicles or trailers.**

13 (a) It shall be unlawful for a person who enters or breaks into a motor vehicle, house
14 trailer, trailer, or semitrailer to steal or unlawfully remove property from it when the property is
15 valued at less than \$200.00.

16 (b) A person who violates Subsection (a) of this section is guilty of a misdemeanor
17 punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00 or both.

18 **Sec. 31-4-23. Make, draw, utter or deliver check with non-sufficient funds.**

19 (a) It shall be unlawful for a person to make, draw, utter, or deliver any check, draft,
20 or order for the payment of money if the amount payable is less than \$100.00, to apply on account
21 or otherwise, upon any bank or other depository with intent to defraud and knowing at the time of
22 the making, drawing, uttering, or delivering that the maker or drawer does not have sufficient funds
23 in or credit with the bank or other depository to pay the check, draft, or order in full upon its
24 presentation.

1 (b) It shall be unlawful for a person to act with the intent to defraud if the person does
2 not have sufficient funds for the payment of the check, draft, or order when presentation for
3 payment is made to the drawee.

4 (c) This subsection does not apply if the lack of funds is due to garnishment,
5 attachment, levy, or other lawful cause and that fact was not known to the person when the person
6 made, drew, uttered, or delivered the check, draft, or order.

7 (d) A person who violates Subsection (a) or (b) of this section is guilty of a
8 misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than
9 \$500.00, or both.

10 **Sec. 31-4-24. Receive and conceal stolen goods.**

11 (a) It shall be unlawful for a person to buy, receive, possess, conceal, or aid in the
12 concealment of stolen, embezzled, or converted money, goods, or property valued at less than
13 \$200.00, to knowingly, or having reason to know or reason to believe, that the money, goods, or
14 property is stolen, embezzled, or converted.

15 (b) A person who violates Subsection (a) of this section is guilty of a misdemeanor
16 punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00 or both.

17 **Sec. 31-4-25. Retail fraud.**

18 (a) It shall be unlawful for a person to engage in any of the following in a store or in
19 its immediate vicinity.

20 (1) While a store is open to the public, alters, transfers, removes and replaces, conceals,
21 or otherwise misrepresents the price at which property is offered for sale, with the
22 intent not to pay for the property or to pay less than the price at which the property
23 is offered for sale, if the resulting difference in price is less than \$200.00.

1 (2) While a store is open to the public, steals property of the store that is offered for
2 sale at a price of less than \$200.00.

3 (3) With intent to defraud, obtains or attempts to obtain money or property from the
4 store as a refund or exchange for property that was not paid for and belongs to the
5 store, if the amount of money, or the value of the property, obtained or attempted
6 to be obtained is less than \$200.00.

7 (b) A person who violates Subsection (a) of this section is guilty of retail fraud, a
8 misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than
9 \$500.00 or both.

10 **Sec. 31-4-26. Theft by false token or false pretenses.**

11 (a) It shall be unlawful for a person to act with the intent to defraud or cheat by making
12 or using a false pretense resulting in a loss of value of less than \$200.00 to do one or more of the
13 following:

14 (1) Cause a person to grant, convey, assign, demise, lease, or mortgage land or an
15 interest in land valued at less than \$200.00.

16 (2) Obtain a person's signature on a forged written instrument resulting in a loss of
17 value of less than \$200.00.

18 (3) Obtain from a person any money or personal property or the use of any instrument,
19 facility, article, or other valuable thing or service, valued at less than \$200.00.

20 (4) By means of a false weight or measure obtain a larger amount or quantity of
21 property than was bargained for, if the property is valued at less than \$200.00.

22 (5) By means of a false weight or measure sell or dispose of a smaller amount or
23 quantity of property than was bargained for, if the property is valued at less than
24 \$200.00.

1 (b) A person who violates Subsection (a) of this section is guilty of a misdemeanor
2 punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00 or both.
3 **Secs. 31-4-27—31-4-40. Reserved.**

4 **ARTICLE XIII. WEAPONS**

5 **DIVISION 2. FIREARMS**

6 **Sec. 31-13-26. Possession of a firearm under the influence of intoxicants.**

7 (a) It shall be unlawful for an individual to carry, have in their possession or under
8 their control, or use in any manner or discharge a firearm under any of the following circumstances:

9 (1) The individual is under the influence of alcoholic liquor, a controlled substance, or
10 a combination of alcoholic liquor and a controlled substance.

11 (2) The individual has an alcohol content of 0.08 or more grams per 100 milliliters of
12 blood, per 210 liters of breath, or per 67 milliliters of urine.

13 (3) Because of the consumption of alcoholic liquor, a controlled substance, or a
14 combination of alcoholic liquor and a controlled substance, the individual's ability
15 to use a firearm is visibly impaired.

16 (b) An individual who violates Subsection (a) of this section is guilty of a misdemeanor
17 punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00 for
18 carrying or possessing a firearm, or both, and not more than \$500.00 for using or discharging a
19 firearm, or both.

20 **Secs. 31-13-27-31-13-40. Reserved.**

21 **Section 2.** This ordinance is hereby declared necessary to preserve the public peace,
22 health, safety, and welfare of the People of the City of Detroit.

23 **Section 3.** All ordinances, or parts of ordinances, that conflict with this ordinance are
24 repealed.

1 **Section 4.** In the event this ordinance is passed by two-thirds (2/3) majority of City
2 Council Members serving, it shall be given immediate effect and become effective upon
3 publication in accordance with Section 4-118 of the 2012 Detroit City Charter. Where this
4 ordinance is passed by less than a two-thirds (2/3) majority of City Council Members serving, it
5 shall become effective on the thirtieth (30) day after enactment, in accordance with Section 4-118
6 of the 2012 Detroit City Charter.

Approved as to form:


Conrad L. Mallett
Corporation Counsel