

**SUBSTITUTE FOR
HOUSE BILL NO. 5125**

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 356e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 356e. (1) An individual who commits a violation of this**
2 **chapter in which the property stolen is cargo may be subject to an**
3 **enhanced sentence of an additional term of imprisonment of not more**
4 **than 10 years.**

5 **(2) If the prosecuting attorney intends to seek the enhanced**
6 **sentence under subsection (1), the prosecuting attorney shall**
7 **include on the complaint and information a statement that the**
8 **defendant is subject to the enhanced sentence.**

9 **(3) A term of imprisonment imposed under subsection (1) must**

1 run consecutively to any term of imprisonment imposed for another
2 violation arising from the same transaction.

3 (4) As used in this section:

4 (a) "Cargo", except as otherwise provided in this subdivision,
5 means goods, chattels, money, or baggage that constitutes, in whole
6 or in part, a commercial shipment of freight moving in commerce,
7 from any pipeline system, railroad car, truck, or other vehicle, or
8 from any tank or storage facility, station house, platform, or
9 depot, or from any vessel or wharf, or from any aircraft, air
10 terminal, airport, aircraft terminal, or air navigation facility,
11 or from any intermodal container, intermodal chassis, trailer,
12 container freight station, warehouse, freight distribution
13 facility, automobile loading facility, automobile holding lot, or
14 freight consolidation facility. Cargo does not include direct-to-
15 consumer goods.

16 (b) "Moving in commerce" means all points from the point of
17 origin to the final destination, regardless of any temporary stop
18 while awaiting transshipment or otherwise.

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