

**CITY OF ALBION
ORDINANCE #2012-5**

AN ORDINANCE TO CREATE THE OFFENSE OF EMBEZZLEMENT, 58-38.

Purpose and Finding:

Michigan law provides for the crime of embezzlement, in MCL 750.174. The City of Albion does not currently have an ordinance specific to this offense, and to date offenses of this type have been referred to the county for prosecution, or in some circumstances, have been prosecuted under the ordinance for larceny. Given that this is an offense that occurs with a degree of regularity, it is in the interests of the City of Albion to have an ordinance for this offense to protect and the public at large. This ordinance would allow the City of Albion to enforce embezzlement offenses where the value of the property embezzled has a value of \$200.00 or less.

THE CITY OF ALBION ORDAINS:

Sec. 58-38. EMBEZZLEMENT

1. A person who as the agent, servant, or employee of another person, governmental entity within the City of Albion, or other legal entity or who as the trustee, bailee, or custodian of the property of another person, governmental entity within the City of Albion, or other legal entity fraudulently disposes of or converts to his or her own use, or takes or secretes with the intent to convert to his or her own use without the consent of his or her principal, any money or other personal property of his or her principal that has come to that person's possession or that is under his or her charge or control by virtue of his or her being an agent, servant, employee, trustee, bailee, or custodian, is guilty of embezzlement.
2. If the money or personal property embezzled has a value of 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 money or property embezzled, whichever is greater, or both imprisonment and a fine.
3. Except as otherwise provided in this subsection, the values of money or personal property embezzled 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 money or personal property embezzled.
4. In a prosecution under this section, the failure, neglect, or refusal of the agent, servant, employee, trustee, bailee, or custodian to pay, deliver, or refund to his or her principal the money or property entrusted to his or her care upon demand is prima facie proof of intent to embezzle.

(State Law Reference MCL 750.174)


This Ordinance shall take effect after publication in the Recorder and on March 6, 2012.

First Reading:
January 17, 2012

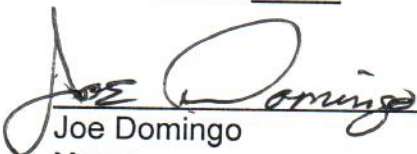
Ayes 7
Nays 0
Absent 0

Second Reading & Adoption:
February 6, 2012

Ayes 7
Nays 0
Absent 0



Kerry Helmick,
Finance Director/Clerk/Treasurer



Joe Domingo
Mayor

APR 5 2012