

Revised Statutes of 1846

R.S. of 1846

History: R.S. 1846, Ch. 1

Be it enacted by the Senate and House of Representatives of the State of Michigan:

Chapter 1

CHAPTER 1. OF THE STATUTES.

8.1 Original acts; custody.

Sec. 1.

The original acts of the legislature shall be deposited with, and kept by, the secretary of state.

History: R.S. 1846, Ch. 1 ;-- Am. 1847, Act 46, Imd. Eff. Mar. 15, 1847 ;-- CL 1857, 1 ;-- CL 1871, 1 ;-- How. 1 ;-- CL 1897, 49 ;-- CL 1915, 63 ;-- CL 1929, 75 ;-- CL 1948, 8.1

Compiler's Notes: Section 2 of R.S. 1846, Ch. 1, pertains to effective date of statutes. For present law on this subject, see Mich. Const., Art. 4, § 27.

8.3 General rules of construction.

Sec. 3.

In the construction of the statutes of this state, the rules stated in sections 3a to 3w shall be observed, unless such construction would be inconsistent with the manifest intent of the legislature.

History: R.S. 1846, Ch. 1 ;-- CL 1857, 2 ;-- CL 1871, 2 ;-- How. 2 ;-- CL 1897, 50 ;-- CL 1915, 64 ;-- CL 1929, 76 ;-- Am. 1939, Act 60, Imd. Eff. Sept. 29, 1939 ;-- CL 1948, 8.3 ;-- Am. 1952, Act 100, Eff. Sept. 18, 1952 ;-- Am. 1956, Act 76, Eff. Aug. 11, 1956 ;-- Am. 1959, Act 189, Imd. Eff. July 22, 1959

8.3a Approved usage; technical words and phrases.

Sec. 3a.

All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases, and such as may have acquired a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning.

History: Add. 1959, Act 189, Imd. Eff. July 22, 1959

8.3b Singular and plural; gender.

Sec. 3b.

Every word importing the singular number only may extend to and embrace the plural number, and every word importing the plural number may be applied and limited to the singular number. Every word importing the masculine gender only may extend and be applied to females as well as males.

History: Add. 1959, Act 189, Imd. Eff. July 22, 1959

8.3c Authority of majority.

Sec. 3c.

All words purporting to give a joint authority to 3 or more public officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it shall be otherwise expressly declared in the law giving the authority.

History: Add. 1959, Act 189, Imd. Eff. July 22, 1959

8.3d "Annual meeting" defined.

Sec. 3d.

The words "annual meeting," when applied to townships, mean the annual meeting required by law to be held on the Saturday immediately preceding the first Monday in April.

History: Add. 1959, Act 189, Imd. Eff. July 22, 1959

8.3e "Grantor" and "grantee" defined.

Sec. 3e.

The word "grantor" may be construed as including every person from or by whom any estate in lands passes in or by any deed. The word "grantee" may be construed as including every person to whom any such interest or estate passes in like manner.

History: Add. 1959, Act 189, Imd. Eff. July 22, 1959

8.3f "Inhabitant" defined.

Sec. 3f.

The word "inhabitant" means a resident of a city, township, village, district or county.

History: Add. 1959, Act 189, Imd. Eff. July 22, 1959

8.3g “Insane person” defined.

Sec. 3g.

The words "insane person" shall be construed to include an idiot, a non compos, a lunatic and an otherwise distracted person.

History: Add. 1959, Act 189, Imd. Eff. July 22, 1959

8.3h Repealed. 1978, Act 642, Eff. July 1, 1979.

Compiler's Notes: The repealed section defined “issue” as applied to the descent of estates.

8.3i “Land,” “real estate,” and “real property” defined.

Sec. 3i.

The words "land", "lands", "real estate" and "real property" mean lands, tenements and real estate, and all rights thereto and interests therein.

History: Add. 1959, Act 189, Imd. Eff. July 22, 1959

8.3j “Month” and “year” defined.

Sec. 3j.

The word "month" means a calendar month; the word "year", a calendar year; and the word "year" alone shall be equivalent to the words "year of our Lord".

History: Add. 1959, Act 189, Imd. Eff. July 22, 1959

8.3k “Oath” and “sworn” defined.

Sec. 3k.

The word "oath" shall be construed to include the word "affirmation" in all cases where by law an affirmation may be substituted for an oath; and in like cases the word "sworn" shall be construed to include the word "affirmed".

History: Add. 1959, Act 189, Imd. Eff. July 22, 1959

8.3l "Person" defined.

Sec. 3l.

The word "person" may extend and be applied to bodies politic and corporate, as well as to individuals.

History: Add. 1959, Act 189, Imd. Eff. July 22, 1959

8.3m "Preceding" and "following" defined.

Sec. 3m.

The words "preceding" and "following", when used by way of reference to any title, chapter or section of the statutes of this state, shall be construed to mean the title, chapter or section next preceding or next following that in which such reference is made, unless when some other title, chapter or section is expressly designated in such reference.

History: Add. 1959, Act 189, Imd. Eff. July 22, 1959

8.3n "Seal" defined.

Sec. 3n.

In all cases in which the seal of any court or public office is required to be affixed to any paper or electronic document issuing from the court or office, the word "seal" shall be construed to include any of the following:

- (a) The impression of the seal on the paper alone.
- (b) The impression of the seal affixed to the paper by means of a wafer or wax.
- (c) The seal affixed electronically on the paper or affixed to an electronic document.

History: Add. 1959, Act 189, Imd. Eff. July 22, 1959 ;-- Am. 2010, Act 57, Imd. Eff. Apr. 29, 2010

8.3o "State" and "United States" defined.

Sec. 3o.

The word "state", when applied to the different parts of the United States, shall be construed to extend to and include the District of Columbia and the several territories belonging to the United States; and the words "United States" shall be construed to include the district and territories.

History: Add. 1959, Act 189, Imd. Eff. July 22, 1959

8.3p Repealed. 1978, Act 642, Eff. July 1, 1979.

Compiler's Notes: The repealed section defined "will".

8.3q “Written” and “in writing” construed.

Sec. 3q.

The words "written" and "in writing" shall be construed to include printing, engraving, and lithographing; except that if the written signature of a person is required by law, the signature shall be the proper handwriting of the person or, if the person is unable to write, the person's proper mark, which may be, unless otherwise expressly prohibited by law, a clear and classifiable fingerprint of the person made with ink or another substance.

History: Add. 1959, Act 189, Imd. Eff. July 22, 1959 ;-- Am. 2005, Act 266, Imd. Eff. Dec. 16, 2005

8.3r Acts of incorporation deemed public acts.

Sec. 3r.

All acts of incorporation shall be deemed public acts, and as such may be declared on and given in evidence without specially pleading the same.

History: Add. 1959, Act 189, Imd. Eff. July 22, 1959

8.3s “General election” defined.

Sec. 3s.

The words "general election" mean the election required by law to be held in the month of November but do not include any primary election.

History: Add. 1959, Act 189, Imd. Eff. July 22, 1959 ;-- Am. 1964, Act 209, Eff. Aug. 28, 1964

8.3t “Firearm” defined.

Sec. 3t.

The word "firearm", except as otherwise specifically defined in statute, includes any weapon which will, is designed to, or may readily be converted to expel a projectile by action of an explosive.

History: Add. 1959, Act 189, Imd. Eff. July 22, 1959 ;-- Am. 2015, Act 22, Eff. July 1, 2015

8.3u Re-enactments.

Sec. 3u.

The provisions of any law or statute which is re-enacted, amended or revised, so far as they are the same as those of prior laws, shall be construed as a continuation of such laws and not as new enactments. If any provision of a law is repealed and in substance re-enacted, a reference in any other law to the repealed provision shall be deemed a reference to the re-enacted provision.

History: Add. 1959, Act 189, Imd. Eff. July 22, 1959

8.3v Population.

Sec. 3v.

The population of the state or any political subdivision thereof shall be determined, unless otherwise specifically provided, on the basis of the latest federal decennial census preceding the time as of which the population is to be determined.

History: Add. 1959, Act 189, Imd. Eff. July 22, 1959

8.3w Section numbers.

Sec. 3w.

Wherever in the statute laws of this state a reference is made to several sections and the section numbers are connected by the word "to", the reference includes both sections whose numbers are given and all intervening sections.

History: Add. 1959, Act 189, Imd. Eff. July 22, 1959

8.4 Effect of repeal of repealing statute.

Sec. 4.

Whenever a statute, or any part thereof shall be repealed by a subsequent statute, such statute, or any part thereof, so repealed, shall not be revived by the repeal of such subsequent repealing statute.

History: R.S. 1846, Ch. 1 ;-- CL 1857, 3 ;-- CL 1871, 3 ;-- How. 3 ;-- CL 1897, 51 ;-- CL 1915, 65 ;-- CL 1929, 77 ;-- CL 1948, 8.4

8.4a Effect of repeal.

Sec. 4-a.

The repeal of any statute or part thereof shall not have the effect to release or relinquish any penalty, forfeiture, or liability incurred under such statute or any part thereof, unless the repealing act shall so expressly provide, and such statute and part thereof shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture or liability.

History: Add. 1931, Act 25, Imd. Eff. Apr. 21, 1931 ;-- CL 1948, 8.4a

Compiler's Notes: Section 3 of Act 510 of 1978 provides: "Section 4a of chapter 1 of the Revised Statutes of 1846, being section 8.4a of the Michigan Compiled Laws applies to violations of Act No. 300 of the Public Acts of 1949, as amended, being sections 257.1 to 257.923 of the Michigan Compiled Laws, or a local ordinance substantially corresponding thereto, which occurred before the effective date of this amendatory act and which would otherwise be designated as civil infractions upon the effective date of this amendatory act."

8.4b Catchline not part of section.

Sec. 4-b.

The catch line heading of any section of the statutes that follows the act section number shall in no way be deemed to be a part of the section or the statute, or be used to construe the section more broadly or narrowly than the text of the section would indicate, but shall be deemed to be inserted for purposes of convenience to persons using publications of the statutes.

History: Add. 1931, Act 25, Imd. Eff. Apr. 21, 1931 ;-- CL 1948, 8.4b

8.4c "Shall not apply" defined.

Sec. 4c.

As used in the statutes of this state, "shall not apply" means that the pertinent provision is not operative as to certain persons or things or in conjunction with a particular date or dates. Use of the phrase "shall not apply" does not result in the repeal, expiration, termination, or otherwise legislating out of existence of that portion of a statute to which the phrase pertains, but only relates to the operational effect of the provision.

History: Add. 1986, Act 317, Imd. Eff. Dec. 26, 1986

8.5 Severability.

Sec. 5.

In the construction of the statutes of this state the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the legislature, that is to say:

If any portion of an act or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of the act which can be given effect without the invalid portion or application, provided such remaining portions are not determined by the court to be inoperable, and to this end acts are declared to be severable.

History: Add. 1945, Act 119, Imd. Eff. Apr. 20, 1945 ;-- CL 1948, 8.5

8.6 Statutes and rules; time; computation.

Sec. 6.

This section applies to the statutes and administrative rules. In computing a period of days, the first day is excluded and the last day is included. If the last day of any period or a fixed or final day is a Saturday, Sunday or legal holiday, the period or day is extended to include the next day which is not a Saturday, Sunday or legal

holiday.

History: Add. 1966, Act 129, Eff. Mar. 10, 1967 ;-- Am. 1970, Act 141, Imd. Eff. Aug. 1, 1970

8.6a Auditor general; access to records.

Sec. 6a.

Any statutory provision that explicitly allows the auditor general to access records must not be used to interpret any other statute without that explicit allowance as preventing the auditor general from accessing records.

History: Add. 2019, Act 155, Imd. Eff. Dec. 20, 2019

8.7 Department of natural resources; references.

Sec. 7.

Whenever reference is made to the department of conservation or the conservation commission it shall mean the department of natural resources or the natural resources commission.

History: Add. 1969, Act 208, Eff. Mar. 20, 1970

8.8 "Law" defined; reference to "Michigan Compiled Laws"; reference to statute as including latest amendments; use of "as amended"; reference in title or enacting section to law adding or amending section subsequent to most recent published compilation.

Sec. 8.

(1) As used in this section, "law" means any of the following:

(a) A public act of the legislature.

(b) An initiated law adopted by the people.

(c) An executive order of the governor submitted to the legislature pursuant to section 2 of article 5 of the state constitution of 1963 and having the force of law.

(2) A reference to "Michigan Compiled Laws" shall include all sections of law, as last amended, which are assigned a compilation number by the legislative service bureau and are not subsequently repealed.

(3) Unless otherwise specifically provided, a reference to all or part of a statute, regardless of whether the words "as amended" are used in the reference, shall include the latest amendments to the statute or part.

(4) With respect to a section of the Michigan Compiled Laws which is added to a statute or amended subsequent to the most recent published compilation of the laws of this state in force, as certified by the legislative council, a reference within the title or an enacting section of a statute to the law which added or amended the section is not required, but a statute may include within the title or enacting section, or both, of the statute, a reference to the law which added or most recently amended the section subsequent to the most recent published compilation.

History: Add. 1982, Act 183, Imd. Eff. June 17, 1982

8.9 Criminal offense committed on or after January 1, 2016; guilt; strict criminal liability; culpability; defense; section inapplicable to certain crimes; definitions.

Sec. 9.

(1) Except as otherwise provided in this section, a person is not guilty of a criminal offense committed on or after January 1, 2016 unless both of the following apply:

(a) The person's criminal liability is based on conduct that includes either a voluntary act or an omission to perform an act or duty that the person is capable of performing.

(b) The person has the requisite degree of culpability for each element of the offense as to which a culpable mental state is specified by the language defining the offense.

(2) If the statutory language defining a criminal offense does not specify any degree of culpability and plainly imposes strict criminal liability for the conduct described in the statute, then culpability is not required for a person to be guilty of the offense. The fact that a subsection of a statute plainly imposes strict liability for an offense defined in that subsection does not by itself plainly impose strict criminal liability for an offense defined in another subsection of that statute that does not specify a degree of culpability.

(3) Except as provided in subsection (4), if statutory language defining an element of a criminal offense that is related to knowledge or intent or as to which mens rea could reasonably be applied neither specifies culpability nor plainly imposes strict liability, the element of the offense is established only if a person acts with intent, knowledge, or recklessness.

(4) Subsection (3) does not relieve the prosecution of the burden of proving the culpable mental state required by any definition incorporated into the offense.

(5) If a statute defining a criminal offense provides that negligence suffices to establish an element of the offense, then intent, knowledge, or recklessness is also sufficient culpability to satisfy that element. If recklessness suffices to establish an element of an offense, then knowledge or intent is also sufficient culpability to satisfy that element. If knowledge suffices to establish an element of an offense, then intent is also sufficient culpability to satisfy that element.

(6) It is not a defense to a crime that the defendant was, at the time the crime occurred, under the influence of or impaired by a voluntarily and knowingly consumed alcoholic liquor, drug, including a controlled substance, other substance or compound, or combination of alcoholic liquor, drug, or other substance or compound. However, it is an affirmative defense to a specific intent crime, for which the defendant has the burden of proof by a preponderance of the evidence, that he or she voluntarily ingested a legally obtained and properly used medication or other substance and did not know and reasonably should not have known that he or she would become intoxicated or impaired.

(7) This section does not apply to, and shall not be construed to affect, crimes under any of the following:

(a) The Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

(b) The public health code, 1978 PA 368, MCL 333.1101 to 333.25211.

(c) The identity theft protection act, 2004 PA 452, MCL 445.61 to 445.79c.

(d) The Michigan penal code, 1931 PA 328, MCL 750.1 to 750.568.

(e) Chapter 752 of the Michigan Compiled Laws.

(8) If a statute defining an offense prescribes a culpable mental state but does not specify the element to which it applies, the prescribed culpable mental state applies to each material element of the offense that necessarily requires a culpable mental state.

(9) The mere absence of a specified state of mind for an element of a covered offense shall not be construed to mean that the legislature affirmatively intended not to require the prosecution to prove any state of mind.

(10) As used in this section:

(a) "Culpable" means sufficiently responsible for criminal acts or negligence to be at fault and liable to punishment for commission of a crime.

(b) "Intent" means a desire or will to act with respect to a material element of an offense if both of the following circumstances exist:

(i) The element involves the nature of a person's conduct or a result of that conduct, and it is the person's conscious object to engage in conduct of that nature or to cause that result.

(ii) The element involves the attendant circumstances, and the person is aware of the existence of those circumstances or believes or hopes that they exist.

(c) "Intoxicated or impaired" includes, but is not limited to, a condition of intoxication resulting from the ingestion of alcoholic liquor, a controlled substance, or alcoholic liquor and a controlled substance. As used in this subdivision:

(i) "Alcoholic liquor" means that term as defined in section 105 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1105.

(ii) "Controlled substance" means that term as defined in section 7104 of the public health code, 1978 PA 368,

MCL 333.7104.

(iii) "Ingestion" means to have eaten, drunk, ingested, inhaled, injected, or topically applied, or to have performed any combination of those actions, or otherwise introduced into the body.

(d) "Knowledge" means awareness or understanding with respect to a material element of an offense if both of the following circumstances exist:

(i) The element involves the nature or the attendant circumstances of the person's conduct, and the person is aware that his or her conduct is of that nature or that those circumstances exist.

(ii) The element involves a result of the person's conduct, and the person is aware that it is practically certain that his or her conduct will cause that result.

(e) "Negligence" means the failure to use reasonable care with respect to a material element of an offense to avoid consequences that are the foreseeable outcome of the person's conduct with respect to a material element of an offense and that threaten or harm the safety of another.

(f) "Recklessness" means an act or failure to act that demonstrates a deliberate, willful, or wanton disregard of a substantial and unjustifiable risk without reasonable caution for the rights, safety, and property of others.

History: Add. 2015, Act 250, Imd. Eff. Dec. 22, 2015

Compiler's Notes: Enacting section 1 of Act 250 of 2015 provides: "Enacting section 1. This amendatory act only applies to crimes committed on or after January 1, 2016."