



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 4198 (Substitute S-3 as reported)
Sponsor: Representative Michael E. Nye
House Committee: Judiciary and Civil Rights
Senate Committee: Judiciary

CONTENT

The bill would amend the Michigan Penal Code to revise the felony threshold level and increase the penalties for various bad check and larceny offenses. The bill would take effect on April 1, 1996, and is tie-barred to House Bills 4197 and 4199.

Under House Bill 4198 (S-3), the various offenses would be punishable by graduated maximum penalties, depending on the value of the property involved in the offense and the number of prior convictions. For using a check, draft, or order, with intent to defraud, without sufficient funds or credit to cover the payment, if the amount payable were less than \$100, the misdemeanor would be punishable by up to 93 days' imprisonment and/or a maximum fine of \$500; a second offense would be a misdemeanor punishable by up to one year and/or \$1,000; and a third or subsequent offense would be a felony punishable by up to 13 months and/or \$2,000. If the amount payable were \$100 or more, but less than \$500, a first or second offense would be a misdemeanor punishable by up to one year and/or \$1,000 or three times the amount payable, whichever was greater, and a third or subsequent offense, charged as a third or subsequent offense, would be a felony punishable by up to 13 months and/or \$2,000. If the amount payable were \$500 or more, the offense would be a felony punishable by up to 13 months and/or \$2,000 or three times the amount payable, whichever was greater.

For the various larceny offenses, the offense would be a felony punishable by up to 10 years' imprisonment and/or a maximum fine of three times the value, if the value were \$20,000 or more or less than that amount depending upon the number of prior convictions. The offense would be a felony punishable by up to five years and/or \$10,000 or three times the value, whichever was greater, if the value were \$1,000 or more, but less than \$20,000 or less than that amount depending upon the number of prior convictions. The offense would be a misdemeanor punishable by up to one year and/or \$2,000 or three times the value, whichever was greater, if the value were \$200 or more, but less than \$1,000, or if the value were less than \$200 and the person had one prior conviction. The offense would be a misdemeanor punishable by up to 93 days' imprisonment and/or a maximum fine of \$500 or three times the value, whichever was greater, if the value were less than \$200. The offenses to which the bill would apply are: fraudulent use of a financial transaction device; various embezzlement offenses; securing land, personal property, or any thing of value by false pretenses, with intent to defraud or cheat; and use of false telephone credit.

MCL 750.131 et al.

Legislative Analyst: P. Affholter

FISCAL IMPACT

Please see FISCAL IMPACT on House Bill 4197.

Date Completed: 12-11-95

Fiscal Analyst: M. Hansen

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