



Senate Fiscal Agency
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BILL



ANALYSIS

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House Bill 6012 (Substitute H-1 as passed by the House)
Sponsor: Representative Robert Brackenridge
House Committee: Local Government
Senate Committee: Local, Urban and State Affairs

Date Completed: 12-3-96

CONTENT

The bill would amend the Revised Judicature Act to specify that a person who violated Section 25 of Chapter 65 of the Revised Statutes of 1846, which pertains to the recording of conveyances, by encumbering property through the recording of a document without lawful cause with the intent to harass or intimidate any person, would be liable to the owner of the property encumbered for all of the following:

- All of the costs incurred in bringing an action under Section 25 of Chapter 65, including actual attorney fees.
- All damages the property owner could have sustained as a result of the filing of the encumbrance.
- Exemplary damages.

A person who violated Section 25 of Chapter 65, by encumbering property through the recording of a document without lawful cause with the intent to harass or intimidate any person would be guilty of a felony punishable by imprisonment for not more than three years and/or a fine of up to \$5,000.

The bill is tie-barred to Senate Bill 828, which would amend Section 25 of Chapter 65 of the Revised Statutes of 1846 to revise the procedures for the placing and recording of liens on property, and provide penalties for persons who illegally filed instruments of encumbrance on property.

MCL 600.2907a

Legislative Analyst: L. Arasim

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. The new felony in the bill could result in increased costs for prosecuting and sanctioning violators of the bill's provisions. The actual costs would depend on the number of offenses and the types of sanctions imposed. There are no data currently available that might predict the number of annual violations.

Fiscal Analyst: M. Hansen

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.