

Senate Fiscal Agency
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SFA



BILL ANALYSIS

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Senate Bill 199 (Substitute S-3 as passed by the Senate)
Sponsor: Senator William Van Regenmorter
Committee: Government Operations

Date Completed: 4-28-97

RATIONALE

Public Act 222 of 1972 provides for the issuance and use of an official State personal identification card. With this card, people who do not drive have a type of identification that is supposed to be as readily acceptable as a driver's license. Amendments enacted in 1984 were designed to bolster the card's acceptance and discourage its fraudulent use. Among other things, these amendments revised the penalties for reproducing, altering, or counterfeiting a card, or using a reproduced, altered, or counterfeit card. The law, however, does not prohibit the *possession* of a fraudulent card.

Reportedly, the possession and use of false identification cards have been a problem among minors, who sometimes obtain the cards to purchase alcohol. In particular, there evidently have been incidents in which students used false identification cards that were produced in Indiana. It has been suggested that the possession of fraudulent cards should be prohibited in order to combat underage drinking.

CONTENT

The bill would amend Public Act 222 of 1972 to prohibit a person from possessing an official State personal identification card that had been reproduced, altered, counterfeited, forged, or duplicated. A person who violated this prohibition would be guilty of a misdemeanor, punishable by imprisonment for up to one year. The prohibition would not apply to a person who came into the possession of an official State personal identification card by recovering it from someone suspected of violating the proposed prohibition or the current prohibition against stealing a card.

Currently, a person who intentionally reproduces, alters, counterfeits, forges, or duplicates an official

State personal identification card, or who uses a card that has been reproduced, altered, etc., is guilty of a felony if the intent of the reproduction, alteration, counterfeiting, forgery, duplication, or use was to commit or aid in the commission of an offense punishable by imprisonment for one or more years. The person is guilty of a misdemeanor punishable by imprisonment for up to one year and/or a fine of up to \$1,000 if the intent was to commit or aid in the commission of an offense punishable by imprisonment for up to one year.

The Act also prescribes penalties for a person who steals or, without the cardholder's permission, knowingly takes or knowingly removes an official State personal identification card from another, or uses a stolen or removed card. The bill, instead, would prescribe penalties for stealing or knowingly taking an official State personal identification card from the person identified on the card, or using a stolen or taken card.

Currently, using a stolen card is a misdemeanor punishable by imprisonment for up to one year. A person who uses a stolen card in the commission of a felony, however, is subject to "the penalties provided for the felony committed with the use of the card". Under the bill, someone who used a stolen card in the commission of a felony would be guilty of a felony punishable by imprisonment for up to four years and/or a maximum fine of \$5,000.

MCL 28.295

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

By making it a crime to possess a false State

identification card, the bill would enable law enforcement officers to confiscate a card found in a person's possession. Although the police already may confiscate a card that has been used to commit a crime, there may be other circumstances under which someone is found with a false I.D. card--for example, if he or she is arrested for an unrelated offense. By enabling the authorities to remove these cards from circulation and punish people who possess them, the bill would help to combat the problem of underage drinking. The bill also would make it clear that someone who recovered a card from a suspected violator would not be guilty of possessing a false identification card.

Response: Although the statute does not define "official state personal identification card", it does permit a person to apply to "the department of state" for a card, and provides for the cards to be issued by "the secretary of state". Thus, it is not clear whether the bill would apply to fake identification obtained in state other than Michigan.

Legislative Analyst: S. Margules

FISCAL IMPACT

The bill would have no fiscal impact on State government, and likely only minimal fiscal impact on local government.

To the extent that persons would be convicted for possessing a reproduced, altered, counterfeited, forged, or duplicated State personal identification card, which under the bill would be a misdemeanor, costs for arresting, prosecuting and sanctioning these offenders at the local level could increase. While there are no data readily available that would indicate the number of potential annual violators, the number is not estimated to be significant.

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.