

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 1122 (as introduced 5-7-98)
Sponsor: Senator Joel D. Gougeon
Committee: Judiciary

Date Completed: 5-12-98

CONTENT

The bill would amend the Michigan Penal Code to prescribe penalties for certain court-appointed fiduciaries who embezzled any money or property of the person or estate for whom the person was appointed.

Under the bill, a guardian, conservator, personal representative, trustee, or other fiduciary appointed under the Mental Health Code or the Revised Probate Code could not fraudulently dispose of or convert for his or her own use, or take or secrete with the intent to dispose of or covert to his or her own use, any money or property of the person or estate for whom he or she was a guardian, conservator, personal representative, trustee, or fiduciary, without the appointing court's consent. A violation of the bill would be a felony, punishable by up to 10 years' imprisonment, a maximum fine of \$5,000, or both.

Proposed MCL 750.174a

Legislative Analyst: P. Affholter

FISCAL IMPACT

Senate Bill 1122 would have an indeterminate fiscal impact on State and local government.

There are no data available to indicate how many people could be convicted of embezzlement by a fiduciary. The proposed crime would carry a penalty (10-year maximum imprisonment and/or up to \$5,000) similar to the penalty for embezzlement by an agent, under MCL 750.174. In 1996, 74% of the offenders serving a prison sentence for a violation of MCL 750.174 had minimum sentences of three years or less. Assuming that the average minimum sentence for the proposed crime would be three years and that the offender would serve all three years in prison, given an annual cost of incarceration of \$18,000, the cost for each offender convicted of this crime would be \$54,000.

Fiscal Analyst: K. Firestone

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