

---

Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

**SFA****BILL ANALYSIS**

Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

---

House Bill 4482 (Substitute S-1 as reported)

Sponsor: Representative David Gubow

House Committee: Judiciary

Senate Committee: Judiciary

## **CONTENT**

The bill would amend the Michigan Penal Code, effective January 1, 1999, to prohibit a person from impersonating a public official or employee and acting to further the operation of any legal process or unauthorized process that affected or purported to affect persons or property. A violation would be a misdemeanor, punishable by up to one year's imprisonment and/or a maximum fine of \$500. A second violation would be punishable by up to two years imprisonment and/or \$1,000. A violation after two or more prior convictions would be a felony, punishable by up to four years' imprisonment and/or a maximum fine of \$2,000.

The Code makes it a misdemeanor, with no specified penalty, to serve upon a debtor a notice or demand on behalf of a creditor that is not authorized by a statute or court and that simulates court-issued legal process. The bill also would prohibit a person from acting to further the operation of any unauthorized process. The current and proposed prohibitions would not apply to a lien authorized under a Michigan statute. A violation of either prohibition would be a misdemeanor, punishable by up to 93 days' imprisonment and/or a maximum fine of \$100. A violation of the proposed offense after a prior conviction for either the current or the proposed offense would be punishable by up to one year and/or \$1,000. A violation of the proposed offense after two or more prior convictions for either offense would be a felony, punishable by up to four years' imprisonment and/or a maximum fine of \$2,000.

The bill would prohibit a person from attempting to intimidate, hinder, or obstruct a public official or employee or a peace officer in the discharge of his or her official duties by a use of unauthorized process. The prohibition would not apply to a lien authorized under a Michigan statute. A violation would be a misdemeanor, punishable by up to two years' imprisonment and/or a maximum fine of \$1,000. A violation after one or more prior convictions would be a felony, punishable by up to four years' imprisonment and/or a maximum fine of \$2,000.

MCL 750.368 et al.

Legislative Analyst: P. Affholter

## **FISCAL IMPACT**

There are no data to indicate how many people could be convicted of falsely acting as a public employee, serving false legal documents, or causing a notice to be served improperly. The graduated penalties for first, second, and subsequent offenses would increase costs for incarceration and/or fine revenues for local and State government based upon the number of times an offender had been convicted.

Date Completed: 9-23-98

Fiscal Analyst: K. Firestone