

POSSESSION OF STOLEN MOTOR VEHICLE



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FISCAL ANALYSIS

HOUSE BILL 5149 with committee amendments
HOUSE BILL 5150 Substitute (H-2)

FLOOR ANALYSIS - 12/2/02
Analyst(s): Marilyn Peterson

Sponsor: Rep. Laura M. Toy
Committee: Criminal Justice

SUMMARY

The bills would make it a felony to receive, conceal, or possess a stolen motor vehicle, irrespective of the value of the vehicle involved. The fiscal impact of the bills would depend on how they affected prosecutorial charging practices and numbers of convictions obtained under various provisions. At present, felony penalties for receiving, concealing, or possessing stolen property vary depending on the value of the property involved and whether the offense was a first or subsequent offense. For the offense to be a felony, the value of the property involved must be at least \$1,000.

House Bill 5149 would amend the Michigan Penal Code to make it a felony to receive/conceal/possess a stolen motor vehicle, irrespective of the value of that vehicle. The offense would be punishable by imprisonment for up to five years, a fine of up to \$10,000 or three times the value of the vehicle, whichever was greater, or both imprisonment and fine.

House Bill 5150 would amend the Code of Criminal Procedure to provide for sentencing guidelines for the new offense, which would be a Class E offense against property. Recommended minimum sentence ranges for Class E offenses vary from 0 -3 months, for which guidelines generally mandate a local sanction, to 24 – 38 months, for which a prison sentence is mandated, absent a departure from the guidelines.

Data indicate that of the 1,862 felony sentences imposed in 1999 for receiving and concealing stolen property, 476 were to prison, 953 were to probation, and 433 were to jail or other sanctions. However, there are no data to indicate which sentences involved motor vehicles. To the extent that the bills increased the numbers of felony convictions, they could increase state or local correctional costs, depending on circumstances. The average annual cost of incarceration in a state correctional facility in FY 2001-02 is estimated to range from about \$22,000 to \$42,000, depending on security level and facility. Per-diem cost of felony probation supervision, which is provided by MDOC employees, was \$4.38 per day.

Any increases in penal fine collections would go to local libraries, which are the constitutionally-dedicated recipients of penal fine revenues.

ADDITIONAL INFORMATION

Current Statute on Receiving, Concealing, Possessing Stolen Property

	Type	Max. Term	Maximum Fine
At least \$20,000, or at least \$1,000 with two priors	Felony	10 yrs	\$15,000 or 3x value
Between \$1,000 & \$20,000, or at least \$200 with one or more priors	Felony	5 yrs	\$10,000 or 3x value
Between \$200 and \$1,000. or under \$200 with one or more priors	Misd.	1 yr	\$2,000 or 3x value
Under \$200	Misd.	93 days	\$500 or 3x value

HB 5149

	Type	Max. Term	Maximum Fine
Receiving, concealing, or possessing stolen motor vehicle	Felony	5 yrs.	\$10,000 or 3x value

Sentencing Data

The current statute on receiving and concealing stolen property took effect January 1, 1999, and was part of a broader package on larceny reform. Prior to 1999, \$100 was the dollar value that marked the threshold between misdemeanor and felony larceny offenses. Offenses committed prior to January 1, 1999 were (and continue to be) sentenced under the penalty structure in effect at the time the offense was committed. Thus, sentences imposed in 1999 include both those issued under the prior law and those issued under the current law. The following table reflects the data as shown in the Department of Corrections' 1999 statistical report.

Dispositions in 1999 for Receiving and Concealing Stolen Property - Violations and Attempts*

	Maximum (Years)	Prison	Probation	Jail	Other	Total
Receiving stolen property	10	70	160	44	20	294
Stolen property - receiving and concealing, over \$100	5	263	502	210	73	1,048
Stolen property - receiving and concealing, \$100 or less**	misdem.	2	3	0	0	5
Stolen property - receiving/concealing	10	0	3	1	1	5
Stolen property - receiving & concealing, over \$20,000	10	21	33	6	2	62
Stolen property - receiving & concealing, \$1,000 - \$20,000	5	122	252	35	38	447
Stolen property - receiving & concealing, \$200 - \$1,000, 2nd offense	5	0	3	3	0	6
TOTALS		478	956	299	134	1,867

* Reflects a mix of sentences imposed under current statute and under prior statute

** Misdemeanors are not customarily reported to MDOC, nor sentenced to prison