



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bills 912 and 913 (as introduced 1-19-04)
Sponsor: Senator Alan Sanborn (S.B. 912)
Senator Michelle A. McManus (S.B. 913)
Committee: Judiciary

Date Completed: 3-30-04

CONTENT

Senate Bill 912 would amend the Code of Criminal Procedure to revise the sentencing guidelines for forging a State identification card to commit a felony, and add to the guidelines possessing a counterfeit or forged State ID card with the intent to deliver it to another person.

Senate Bill 913 would amend Public Act 222 of 1972, which provides for official State personal identification cards, to revise the penalties for reproducing, altering, counterfeiting, forging, duplicating, or using an identification card; prescribe penalties for possessing an altered, counterfeited, forged, or duplicated card; and extend the penalties to violations involving a photograph, image, or electronic data contained on a card.

Senate Bill 912 is tie-barred to Senate Bill 913.

Senate Bill 912

Currently, under the sentencing guidelines, forging a State identification card to commit a felony is a Class H felony against the public order with a statutory maximum sentence of four years' imprisonment. The bill specifies, instead, that counterfeiting or forging a State ID card or using a counterfeited or forged card to commit a felony punishable by imprisonment for 10 years or more would be a Class D felony against the public order with a statutory maximum sentence of 10 years' imprisonment.

In addition, under the bill, possessing a counterfeit or forged State ID card with the intent to deliver it to another person would be a Class E felony against the public order with a statutory maximum sentence of five years' imprisonment.

Senate Bill 913

Under Public Act 222, intentionally reproducing, altering, counterfeiting, forging, or duplicating an official identification card or using a reproduced, altered, counterfeit, forged, or duplicated ID card is a felony if the intent is to commit or aid in committing an offense punishable by imprisonment for one year or more; the Act does not specify a penalty for the offense. (Under the Michigan Penal Code, a felony for which no punishment is prescribed is punishable by up to four years' imprisonment, a maximum fine of \$5,000, or both.) If the intent of the reproduction, alteration, counterfeiting, forgery, duplication, or use is to commit or aid in committing an offense punishable by up to one year's imprisonment, the violation is a misdemeanor punishable by up to one year's imprisonment, a maximum fine of \$1,000, or both.

The bill would revise the prohibition and the penalties. The bill would prohibit a person from intentionally reproducing, altering, counterfeiting, forging, or duplicating an identification card photograph, the negative of the photograph, an image, an identification card, or the electronic data contained on an ID card or a part of an ID card, or using an identification card, image, or photograph that had been reproduced, altered, counterfeited, forged, or duplicated. A violation would be punishable as shown in Table 1.

Table 1

Intent	Offense Level	Max. Imprisonment	Max. Fine
Commit or aid in a felony punishable by 10 years or more	Felony	10 years	\$20,000
Commit or aid in a felony punishable by less than 10 years or a misdemeanor punishable by more than 93 days	Misdemeanor	1 year	\$2,000
Commit or aid in a misdemeanor punishable by 93 days or less	Misdemeanor	1 year	\$1,000

The bill also would prohibit a person from possessing, or possessing with intent to deliver to another person, a reproduced, altered, counterfeit, forged, or duplicated identification card photograph, negative of the photograph, image, identification card, or electronic data contained on an ID card or part of a card. A violation would be punishable as shown in Table 2.

Table 2

Violation	Offense Level	Max. Imprisonment	Max. Fine
Possession	Misdemeanor	1 year	\$2,000
Possession with intent to deliver	Felony	5 years	\$10,000

MCL 777.11b (S.B. 912)
28.295 (S.B. 913)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government. According to the Department of Corrections Statistical Report, in 2001 no offenders were convicted of violating the counterfeit identification provision. There are no data available to indicate how many offenders would be convicted under the proposed changes. The bills would potentially increase the number of convicted offenders by expanding the provision to prohibit the reproduction and use of additional types of identification and by prohibiting the possession and possession with intent to deliver of counterfeit identification. They also could have an impact on corrections costs by changing the maximum allowable sentence depending on the circumstances of the offense. Local units of government incur the costs of misdemeanor probation and incarceration in a local facility, which vary by county. The State incurs the cost of felony probation at an average annual cost of \$1,800 and the cost of incarceration in a State facility at an average annual cost of \$28,000.

Fiscal Analyst: Bethany Wicksall

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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.