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House Bill 6169 (Substitute H-1 as reported without amendment)
Sponsor: Representative William Van Regenmorter
House Committee: Criminal Justice
Senate Committee: Judiciary

CONTENT

The bill would amend the Code of Criminal Procedure to include in the sentencing guidelines both identity theft and obtaining, possessing, selling, or transferring another person's personal identifying information or falsifying a police report with intent to commit identity theft. Each offense would be categorized as a Class E felony against the public order, with a statutory maximum penalty of five years' imprisonment. (The violations are included in the "Identity Theft Protection Act", proposed by Senate Bill 792 and House Bill 6168.)

The bill also would delete from the sentencing guidelines the offense of obtaining personal information without authorization (which the Identity Theft Protection Act would repeal). That offense is a Class E property felony, with a statutory maximum penalty of five years' imprisonment.

The bill would take effect on March 1, 2005.

MCL 777.14h & 777.16o

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. The proposed felonies of identity theft and obtaining, possessing, selling, or transferring another person's personal identifying information or falsifying a police report with intent to commit identity theft, would replace the existing felony of obtaining personal identification information without authorization and with intent to use the information unlawfully. According to the Department of Corrections Statistical Report, in 2001 seven people were convicted of that offense. Of those, one offender received incarceration in a State prison, one received incarceration in a local jail, and five received probation. Local units pay for incarceration in local facilities, the cost of which varies by county. The State incurs the cost of felony probation at an average annual cost of \$1,800, as well as the cost of incarceration in a State facility at an average annual cost of \$28,000. If one assumes that the number of offenders and types of sentences received for the proposed offenses would be similar to those for the existing offense, the change would have no fiscal impact.

Date Completed: 10-6-04

Fiscal Analyst: Bethany Wicksall