

SUBSTITUTE FOR
SENATE BILL NO. 913

A bill to amend 1972 PA 222, entitled

"An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes,"

by amending section 5 (MCL 28.295), as amended by 1984 PA 335.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) A person who intentionally reproduces, alters,
2 counterfeits, forges, or duplicates an **official state personal**
3 identification card **photograph, the negative of the photograph,**
4 **an official state personal identification card image, an official**
5 **state personal identification card, or the electronic data**
6 **contained on an official state personal identification card or a**
7 **part of an official state personal identification card** or who
8 uses ~~a~~ **an official state personal identification card, image,**
9 **or photograph that has been** reproduced, altered, counterfeited,

1 forged, or duplicated ~~identification card shall be punished as~~
2 ~~follows~~ **is subject to 1 of the following:**

3 (a) If the intent of reproduction, alteration,
4 counterfeiting, forging, duplication, or use was to commit or aid
5 in the commission of an offense **that is a felony** punishable by
6 imprisonment for ~~1~~ **10** or more years, the person committing the
7 reproduction, alteration, counterfeiting, forging, duplication,
8 or use is guilty of a felony **punishable by imprisonment for not**
9 **more than 10 years or a fine of not more than \$20,000.00, or**
10 **both.**

11 (b) If the intent of the reproduction, alteration,
12 counterfeiting, forging, duplication, or use was to commit or aid
13 in the commission of an offense **that is a felony** punishable by
14 imprisonment for ~~not more~~ **less** than ~~1 year~~ **10 years or a**
15 **misdemeanor punishable by imprisonment for 6 months or more**, the
16 person committing the reproduction, alteration, counterfeiting,
17 forging, duplication, or use is guilty of a ~~misdemeanor~~ **felony**
18 punishable by imprisonment for not more than ~~1 year~~ **5 years**, or
19 a fine of not more than ~~\$1,000.00~~ **\$10,000.00**, or both.

20 (c) If the intent of the reproduction, alteration,
21 counterfeiting, forging, duplication, or use was to commit or aid
22 in the commission of an offense that is a misdemeanor punishable
23 by imprisonment for less than 6 months, the person committing the
24 reproduction, alteration, counterfeiting, forging, duplication,
25 or use is guilty of a misdemeanor punishable by imprisonment for
26 not more than 1 year or a fine of not more than \$2,000.00, or
27 both.

1 (2) A person who sells or possesses with the intent to
2 deliver to another a reproduced, altered, counterfeited, forged,
3 or duplicated official state personal identification card
4 photograph, negative of the photograph, official state personal
5 identification card image, official state personal identification
6 card, or electronic data contained on an official state personal
7 identification card or part of an official state personal
8 identification card, or who possesses 2 or more reproduced,
9 altered, counterfeited, forged, or duplicated official state
10 identification card photographs, negatives of the photograph or
11 photographs, image or images, official state identification card
12 or cards, or electronic data contained on official state
13 identification card or cards, is guilty of a felony punishable by
14 imprisonment for not more than 5 years or a fine of not more than
15 \$10,000.00, or both.

16 (3) A person who is in possession of an altered,
17 counterfeited, forged, or duplicated official state personal
18 identification card photograph, negative of the photograph,
19 official state personal identification card image, official state
20 personal identification card, or electronic data contained on an
21 official state personal identification card or part of an
22 official state personal identification card is guilty of a
23 misdemeanor punishable by imprisonment for not more than 1 year
24 or a fine of not more than \$2,000.00, or both.

25 (4) ~~-(2)-~~ A person shall not steal or, without the
26 cardholder's permission, knowingly take or knowingly remove an
27 official state personal identification card from the person or

1 possession of another. A person shall not use an official state
2 personal identification card that is stolen or knowingly taken or
3 knowingly removed from the person or possession of another.

4 Except as provided in subsection ~~-(3)-~~ (5), a person who violates
5 this subsection is guilty of a misdemeanor, punishable by
6 imprisonment for not more than 1 year.

7 (5) ~~-(3)-~~ A person shall not use an official state personal
8 identification card in the commission of a felony if the card is
9 stolen or knowingly taken or knowingly removed from the person or
10 possession of another. A person who violates this subsection is
11 guilty of the penalties provided for the felony committed with
12 the use of the card.

13 (6) Subsections (2) and (3) do not apply to a person who is
14 in possession of 1 or more photocopies, reproductions, or
15 duplications of an official state personal identification card or
16 part of an official state personal identification card to
17 document the person's identity for a legitimate business
18 purpose.

19 (7) Subsections (1)(a) and (b) and (2) do not apply to a
20 minor whose intent is to violate section 703 of the Michigan
21 liquor control code of 1998, 1998 PA 58, MCL 436.1703.

22 Enacting section 1. This amendatory act takes effect
23 September 1, 2004.