Legislative Analysis

DEALING IN STOLEN GOODS

Senate Bill 1234
Sponsor: Sen. Alan L. Cropsey
House Committee: Judiciary
Senate Committee: Judiciary

Complete to 6-27-06

A SUMMARY OF SENATE BILL 1234 AS PASSED BY THE SENATE 5-10-06

The bill would amend the Michigan Penal Code to extend penalties for buying, receiving, possessing, and concealing stolen or converted property to a person who had reasonable cause to believe that the property had been stolen, embezzled, or converted.

The code prohibits a person from buying, receiving, possessing, concealing, or aiding in the concealment of a stolen motor vehicle or stolen, embezzled, or converted money, goods, or property. The bill would expand the provision to include persons who had a reasonable cause to believe that the motor vehicle, money, goods, or property had been stolen.

Further, the bill specifies that it would not be a defense to a charge under these provisions that the property was not stolen, embezzled, or converted property at the time of the violation if the property had been explicitly represented to the accused person as being stolen, embezzled, or converted property.

MCL 750.535

FISCAL IMPACT:

The bill's fiscal impact would depend on how it affected convictions and sentences for receiving and concealing stolen property. To the extent that more misdemeanor or felony convictions were obtained, the bill could increase local and state correctional costs. Costs of misdemeanor sanctions, whether jail or misdemeanor probation supervision, are borne by local units of government and vary by jurisdiction. Felons may be sentenced to prison, jail, probation, or some combination of jail and probation. Cost of jail incarceration borne by the county and varies from county to county. Costs of prison incarceration and felony probation supervision are borne by the state and average about $30,000 per prisoner per year for prison incarceration and $2,000 per supervised offender per year for parole/probation supervision. To the extent that additional penal fine revenues were collected under the bill, the bill could benefit local libraries, which are the constitutionally-designated recipients of those revenues.

There are no data to indicate how frequently defendants would have reasonable cause to believe that they are receiving or concealing stolen property in violation of the bill, nor

are there any data to indicate how many defendants are convicted of misdemeanor receiving/concealing. However, in 2003, there were over 2,300 sentences for felony offenses of receiving and concealing stolen property or its attempt. As shown in the table below, about 20 percent of those sentences were prison terms; the remainder were probation, jail, or some other sanction such as a suspended sentence or assignment to the Holmes Youthful Trainee Act.

2003 Felony Dispositions - Receiving and Concealing Stolen Property (MCL 750.535)										
	Prison		Probation		Jail		Other		Total	
	Number	%	Number	%	Number	%	Number	%	Number	%
Violations	435	24.5	935	52.7	225	12.7	178	10.0	1,773	100.0
Attempts	34	6.0	333	59.1	35	6.2	161	28.6	563	100.0
Total	**469**	**20.1**	**1,268**	**54.3**	**260**	**11.1**	**339**	**14.5**	**2,336**	**100.0**

In 2003, there were 281 commitments to the Department of Corrections for receiving/concealing stolen property or its attempt. Sentences ranged from six months to five years.

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