

# Legislative Analysis



## FINGERPRINTS AS LEGAL SIGNATURE

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**House Bill 4258 as introduced**  
**Sponsor: Rep. Fred Miller**  
**Committee: Government Operations**

### First Analysis (2-18-05)

**BRIEF SUMMARY:** The bill would permit an individual who is unable to write to use his or her fingerprints where a "written signature" is required.

**FISCAL IMPACT:** The bill does not appear to have any fiscal impact on the state or local governments.

### THE APPARENT PROBLEM:

Chapter 1 of the Revised Statutes of 1846, entitled "Of the Statutes", pertains to, in part, the construction of state statutes, including how certain words and phrases are to be understood. The chapter provides that, as a matter of law, the words "written" and "in writing" may include printing, engraving, and lithographing, except in cases where an individual's written signature is required by law, in which case the signature shall be his or her proper handwriting or, if the person is unable to write, his or her "proper mark."

The proper mark of an individual has traditionally been an "X" – a mark that is easily forged, particularly given that many individuals who are physically unable to sign their name may not make the same "X" twice. Some people are concerned about the use of an "X" as a proper mark given the increase in identity theft and the special vulnerability of the elderly and physically challenged.

It has been suggested that a fingerprint be considered a person's written signature when he or she is unable to write.

### THE CONTENT OF THE BILL:

House Bill 4258 would amend Chapter 1 of the Revised Statutes of 1846 to permit an individual who is unable to write to use his or her fingerprints as a written signature. (Visible fingerprints would be included as a "proper mark.")

MCL 8.3q

### ARGUMENTS:

#### *For:*

The bill provides greater security to individuals who are unable to write, by allowing their fingerprints to be used as their written signature, as fingerprints cannot be forged.

The use of a "proper mark" in state statutes traces its history to the mid-1800's, a time many could not read or write. The use of the "X", some believe, appears to stigmatize elderly and physically challenged individuals as illiterate or uneducated, a connotation avoided by the use of a fingerprint.

***POSITIONS:***

The Arc Michigan (which advocates for citizens with developmental disabilities and their families) indicated support for the bill. (2-15-05)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.