

Legislative Analysis



TRIPLE DAMAGES: EMBEZZLING, RECEIVING, AND CONCEALING STOLEN PROPERTY

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House Bill 4356

Sponsor: Rep. Tory Rocca

Committee: Judiciary

Complete to 3-14-05

A SUMMARY OF HOUSE BILL 4356 AS INTRODUCED 2-22-05

The bill would amend the Revised Judicature Act (MCL 600.2919a) to clarify the provision that specifies triple damage liability for offenses related to embezzling, stealing, receiving, and concealing stolen property.

Currently under the law, a person who is damaged as a result of another person's buying, receiving, or aiding in the concealment of stolen, embezzled, or converted property, or aiding in the concealment of any stolen, embezzled or converted property when the person knew that the property was stolen or embezzled or converted, can recover three times the amount of actual damages sustained, plus costs and reasonable attorney's fees. The law specifies, too, that this remedy is in addition to any other right or remedy the person might have at law, or otherwise.

Under House Bill 4356, a person damaged as a result of either or both of the following could recover three times the amount of damages sustained, plus costs and reasonable attorney fees, in addition to any other right or remedy:

- a) another person's stealing or embezzling property or converting property to the other person's own use; and
- b) another person's buying, receiving, possessing, concealing, or aiding in the concealment of stolen, embezzled, or converted property when the person knew that the property was stolen, embezzled, or converted.

FISCAL IMPACT:

The bill would have no fiscal impact.

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