



Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 4356 (Substitute H-2 as passed by the House)

Sponsor: Representative Tory Rocca

House Committee: Judiciary

Senate Committee: Judiciary

Date Completed: 5-23-05

CONTENT

The bill would amend the Revised Judicature Act (RJA) to allow a person to recover three times the amount of actual damages, plus costs and reasonable attorney fees, for another person's theft of property. The bill also would add possessing and concealing to a provision that presently allows treble damages for another person's buying, receiving, or aiding in the concealment of stolen property.

Currently, a person damaged as a result of another person's buying, receiving, or aiding in the concealment of stolen, embezzled, or converted property, when the person buying, receiving, or aiding in the concealment knew that the property was stolen, embezzled, or converted, may recover three times the amount of actual damages sustained, plus costs and reasonable attorney's fees.

The bill specifies, instead, that a person damaged as a result of either or both of the following could recover three times the amount of actual damages sustained, plus costs and reasonable attorney fees:

- Another person's stealing or embezzling property or converting property to the other person's own use.
- 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.

As with the current provision, the remedy provided by the bill would be in addition to any other right or remedy the person had at law or otherwise.

The bill specifies that it would apply to causes of action that arose after its effective date.

MCL 600.2919a

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

To the extent that the bill would increase the number of civil actions brought, it could increase local court costs.

Fiscal Analyst: Bethany Wicksall

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