

Legislative Analysis



REVOCATION OF NOTARY'S COMMISSION

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House Bill 5269

Sponsor: Rep. Holly Hughes

Committee: Local, Intergovernmental, and Regional Affairs

Complete to 2-29-12

A SUMMARY OF HOUSE BILL 5269 AS INTRODUCED 1-24-12

House Bill 5269 would amend the Michigan Notary Public Act (MCL 55.301) to describe the misdemeanors that, if committed by a notary, would lead to the revocation of a notary public's commission. A more detailed description of the bill follows.

Now under the law, the commission of a notary public is automatically revoked if he or she is convicted of a felony; convicted of two or more misdemeanor offenses with a 12-month period; or convicted of three or more misdemeanor offenses with a five-year period. Further, if convicted of a felony, the individual is disqualified from being commissioned as a notary public for at least 10 years. House Bill 5269 would retain these provisions but refer to "specified misdemeanors" instead of "misdemeanors."

Under the bill, "specified misdemeanor" would be defined to mean a misdemeanor that the Secretary of State determines involves any of the following:

- A violation of this act.
- A violation of the public trust.
- An act of official misconduct, dishonesty, fraud, or deceit.
- An act substantially related to the duties or responsibilities of a notary public.

Finally, House Bill 5269 specifies that an individual commissioned as a notary public in Michigan who is convicted of any felony or misdemeanor in any court must notify the Secretary of State in writing within 10 days after the date of the conviction.

FISCAL IMPACT:

House Bill 5269 would have an indeterminate fiscal impact on state and local governments, and no fiscal impact on the Department of State. To the extent that the number of people who have their notary public commission revoked increases under this bill, it is possible that the number of felony convictions resulting from performing a notarial act after their commission as a notary public is revoked may also increase. This could impact state and/or local corrections costs and penal fine revenue.

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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.