



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bills 4462 and 4478 (as reported without amendment)
Sponsor: Representative Marty Knollenberg (H.B. 4462)
Representative Lisa Posthumus Lyons (H.B. 4478)
House Committee: Banking and Financial Services
Senate Committee: Banking and Financial Institutions

CONTENT

House Bill 4462 would amend the Michigan Penal Code to extend a felony penalty to the forgery of a discharge of mortgage or another document that affects an interest in real property, and uttering and publishing such a forged document.

Under Section 248 of the Code, a person who falsely makes, alters, forges, or counterfeits certain documents, including a deed, with intent to injure or defraud another person, is guilty of a felony punishable by imprisonment for up to 14 years. Under Section 249, the same penalty applies to a person who knowingly, and with intent to injure or defraud, utters and publishes as true a false, forged, altered, or counterfeit deed or other document specified in Section 248.

The bill would add Section 248b to prescribe a 14-year maximum sentence for a person who falsely made, altered, forged, or counterfeited a deed, a discharge of mortgage, or a power or letter of attorney or other document affecting an interest in real property with intent to injure or defraud. The bill also would add Section 249b to prescribe a 14-year maximum for a person who knowingly uttered and published as true a false, forged, altered, or counterfeit deed or other document listed in Section 248b, with intent to injure or defraud.

House Bill 4478 would amend the sentencing guidelines in the Code of Criminal Procedure to include a violation of proposed Section 248b or 249b of the Penal Code as a Class C felony against property with a 14-year statutory maximum. Currently, a violation of Section 248 or 249 is a Class E felony against property with a 14-year statutory maximum.

MCL 750.248 et al. (H.B. 4462)
777.16n (H.B. 4478)

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

By changing certain crimes related to forged real estate documents from Class E to Class C felonies, the bills could increase the minimum sentences for offenders convicted of these crimes. Thus, the bills could increase the length of time incarcerated and thereby increase State and local correctional costs. The average appropriated cost of prison incarceration is roughly \$34,000 per prisoner per year, including various fixed administrative and operational costs. Costs of parole and probation supervision, excluding electronic tether, average about \$2,100 per supervised offender per year. Average local correctional costs vary by jurisdiction. Any increase in penal fine revenue could benefit local libraries.

Date Completed: 10-7-11

Fiscal Analyst: Matthew Grabowski

floor\hb4462

Bill Analysis @ www.senate.michigan.gov/sfa

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.