Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 4492 (as reported)
Sponsor: Representative Rashida H. Tlaib
House Committee: Banking and Financial Services
Senate Committee: Banking and Financial Institutions

CONTENT

The bill would the sentencing guidelines in the Code of Criminal Procedure to include felony violations of the Michigan Notary Public Act.

Specifically, performing notarial acts while a notary public commission was revoked would be a Class E felony against the public trust with a five-year statutory maximum sentence. A violation of the Act involving the conveyance of an interest in real property would be a Class F felony against the public trust with a statutory maximum of four years.

The bill is tie-barred to Senate Bill 252. Senate Bill 252 (S-3) would amend the Michigan Notary Public Act to provide that if a person knowingly violated the Act when notarizing any document relating to an interest in real property or a mortgage, the offense would be a felony punishable by a maximum fine of $5,000 or imprisonment for up to four years, or both.

(Under the current Act, if a person performs a notarial act while his or her commission is revoked, he or she is guilty of a felony punishable by a maximum fine of $3,000 or imprisonment for up to five years, or both.)

Both bills would take effect on January 1, 2012.

MCL 777.11c — Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of a felony violation of the Michigan Notary Public Act. An offender convicted of the Class E offense under the bill would receive a sentencing guidelines minimum sentence range of 0-3 months to 24-38 months. An offender convicted of the Class F offense under the bill would receive a sentencing guidelines minimum sentence range of 0-3 months to 17-30 months. Local governments would incur the costs of incarceration in local facilities, which vary by county. The State would incur the cost of felony probation at an annual average cost of $2,500, as well as the cost of incarceration in a State facility at an average annual cost of $34,000. Additional penal fine revenue would benefit public libraries.

Date Completed: 10-7-11 — Fiscal Analyst: Matthew Grabowski