Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 4492 (Substitute H-1 as passed by the House)
Sponsor: Representative Rashida H. Tlaib
House Committee: Banking and Financial Services
Senate Committee: Banking and Financial Institutions

Date Completed: 10-6-11

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Specifically, performing notarial acts while a notary public commission was revoked would be a Class E felony against the public trust with a five-year statutory maximum sentence.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.

Fiscal Analyst: Matthew Grabowski

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