



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

BILL



ANALYSIS

**Telephone: (517) 373-5383**  
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House Bills 5761, 5762, and 5763 (as reported without amendment)

Sponsor: Representative Joseph N. Bellino, Jr. (H.B. 5761)

Representative Bronna Kahle (H.B. 5762)

Representative Beth Griffin (H.B. 5763)

House Committee: Oversight

Senate Committee: Oversight

### **CONTENT**

House Bill 5761 would repeal Section 106 of the Michigan Penal Code, which prohibits a master, officer, or mariner of a ship, boat, or vessel from making a false affidavit or protest, and prohibits an owner of a ship, boat, or vessel, or its cargo, from obtaining or using a false affidavit or protest, with the intent to injure, deceive, or defraud an insurer of the ship, boat, or vessel, or its cargo.

House Bill 5762 would amend Chapter 47 of the Revised Judicature Act (which provides for the forfeiture of property obtained through the commission of a crime) to remove from the definition of "crime" a violation of Section 106 of the Penal Code.

House Bill 5763 would amend the Code of Criminal Procedure to delete from the sentencing guidelines a violation of Section 106 of the Penal Code, which is a Class G felony, with a statutory maximum sentence of four years' imprisonment.

MCL 750.106 (H.B. 5761)  
600.4701 (H.B. 5762)  
777.16e (H.B. 5763)

Legislative Analyst: Stephen Jackson

### **FISCAL IMPACT**

The bills would have no fiscal impact on the State or local government. It is unknown whether any individual would be charged with or convicted of a felony under the provision being repealed, but there have been no felony dispositions in the State under this section since at least 1998.

Date Completed: 6-7-18

Fiscal Analyst: Ryan Bergan