



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

BILL



ANALYSIS

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

House Bill 5761, 5762, and 5763 (as passed by the House)
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

Date Completed: 6-5-18

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 with the intent to injure, deceive, or defraud an insurer of the ship, boat, or vessel.

House Bill 5762 would amend Chapter 47 of the Revised Judicature Act 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.

Each bill would take effect 90 days after its enactment. House Bills 5762 and 5763 are tie-barred to House Bill 5761.

House Bill 5761

Section 106 of the Michigan Penal Code prohibits a master, officer, or mariner of a ship, boat, or vessel from making, causing to be made, or swearing to a false affidavit or protest, and prohibits any owner of, or other person concerned with, a ship, boat, or vessel, or its cargo, from obtaining or using a false affidavit or protest, with intent to injure, deceive, or defraud an insurer of the ship, boat, or vessel, or its cargo. A violation of the section is a felony.

The bill would repeal Section 106.

House Bill 5762

Chapter 47 of the Revised Judicature Act provides for the seizure and forfeiture of property that is obtained through the commission of a crime or by the sale or exchange of proceeds of a crime, as well as property used in the commission of a crime. "Crime" means committing, attempting to commit, conspiring to commit, or soliciting another person to commit any of the offenses listed in Chapter 47 in connection with which the forfeiture of property is sought. The bill would remove from these offenses a violation of Section 106 of the Michigan Penal Code.

House Bill 5763

Under the Code of Criminal Procedure, a violation of Section 106 of the Michigan Penal Code is a Class G felony, with a statutory maximum sentence of four years' imprisonment. The bill would delete from the sentencing guidelines a violation of Section 106.

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.

Fiscal Analyst: Ryan Bergan

SAS\S1718\s5761sa

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.