

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

SFA**BILL ANALYSIS**

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

House Bill 4352 (Substitute S-1 as reported by the Committee of the Whole)

Sponsor: Representative Robert Gosselin

House Committee: Criminal Law and Corrections

Senate Committee: Judiciary

CONTENT

The bill would amend the Code of Criminal Procedure to include false representation as a licensed or registered health professional in the sentencing guidelines. The offense would be categorized as a Class C felony against the public safety, with a statutory maximum sentence of 15 years' imprisonment, as proposed by House Bill 4354 (H-4).

House Bill 4352 (S-1) also would include the following in the sentencing guidelines:

- Receiving, possessing, preparing, or submitting an unauthorized credit application or receiving or possessing proceeds from an unauthorized credit application.
- Receiving or possessing with intent to forward, or forwarding an unauthorized credit application or proceeds from an unauthorized credit application to another person.

Those offenses would be categorized as Class F felonies against property, with a statutory maximum sentence of four years' imprisonment (as proposed by House Bills 4413 and 4598).

House Bill 4352 (S-1) is tie-barred to House Bill 4354.

MCL 777.16I

Legislative Analyst: P. Affholter

FISCAL IMPACT

House Bills 4352 (S-1) and 4354 (H-4) would have an indeterminate fiscal impact on State and local government.

There are no data available to indicate how many offenders could be convicted of false representation or practice as a health care professional. The minimum sentence range for a Class C felony against public safety is 0-11 months to 62-114 months. Assuming that five people a year were convicted of this offense and each received and served a minimum sentence of 114 months, given that the average annual cost of incarceration is \$22,000, the cost for incarcerating these offenders would be \$1,045,000. Assuming that five people a year were convicted of this offense and each received a sentence within the lower minimum range, costs for incarceration would be incurred by local units of government.

Also, there are no data available to indicate how many people could be convicted of preparing or submitting a loan application for another individual without authorization, or submitting such an application to a financial institution. The minimum sentence range for a Class F felony against property is from 0-3 months to 17-30 months. Assuming that 10 people a year would be found guilty of this offense and sentenced to prison for a minimum of 30 months, the cost of incarcerating these offenders would be \$550,000 per year. Assuming that 10 people a year were convicted of this offense and that they each received a sentence within the lower minimum range, costs for incarceration would be incurred by local units of government.

Date Completed: 10-20-99

Fiscal Analyst: K. Firestone