
Senate Fiscal Agency
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SFA

BILL ANALYSIS

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House Bill 4037 (Substitute S-1 as reported by the Committee of the Whole)

Sponsor: Representative Jennifer Faunce

House Committee: Criminal Justice

Senate Committee: Transportation and Tourism

CONTENT

The bill would amend the Michigan Vehicle Code to increase the penalty for intentionally reproducing, altering, counterfeiting, forging, or duplicating a driver's license, license photograph, or the electronic data contained on a license. In addition, the bill would establish penalties for a person who sold or possessed a reproduced, altered, counterfeited, forged, or duplicated a driver's license, license photograph, negative, image, or electronic data contained on a license. The bill would take effect on May 1, 2002.

Under the bill, if the intent of the license fraud were to commit or aid in the commission of an offense that was a felony punishable by imprisonment for 10 or more years, the person would be guilty of a felony, punishable by up to 10 years' imprisonment, a maximum fine of \$20,000, or both. If the intent were to commit or aid in the commission of a felony punishable by imprisonment for less than 10 years, or a misdemeanor punishable by six months' imprisonment or more, the person would be guilty of a felony punishable by up to five years' imprisonment, a maximum fine of \$10,000, or both. If the intent were to commit or aid in the commission of a misdemeanor punishable by less than six months' imprisonment, the person would be guilty of a misdemeanor punishable by up to one year and/or \$2,000.

A person who sold, or who possessed with the intent to deliver to another, a fraudulent license would be guilty of a felony punishable by up to five years' imprisonment, a maximum fine of \$10,000, or both. A person who was in possession of a fraudulent license would be guilty of a misdemeanor punishable by up to one year and/or \$2,000. A person who was in possession of two or more would be guilty of a felony punishable by up to five years and/or \$10,000.

In addition, the bill provides that these penalties would not apply to a minor whose intent was to violate Section 703 of the Michigan Liquor Control Code (which establishes penalties for the purchase, possession, or consumption of alcohol by persons under the age of 21).

MCL 257.310

Legislative Analyst: Nobuko Nagata

FISCAL IMPACT

There are no data to indicate how many people would be convicted of reproducing or altering a driver's license or possessing one or more reproduced or altered driver's licenses, under the bill. (Because the current offense is a misdemeanor, data on convictions and sentences are not available.) Offenders convicted of a misdemeanor would serve time in a local facility. Local units would incur the costs, which vary by county from \$27 to \$65 per day. Offenders convicted of a felony would receive probation or incarceration in State facility. The State would incur the costs of felony probation, estimated at \$4.38 per day, and incarceration at an annual cost of \$25,000. If one additional offender were convicted of the most serious crime and received the longest minimum sentence, it would cost the State \$165,000.

Date Completed: 3-19-02

Fiscal Analyst: Bethany Wicksall