
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 4037 (Substitute H-2 as passed by the House)
House Bill 5041 (Substitute H-2 as passed by the House)
Sponsor: Representative Jennifer Faunce (House Bill 4037)
Representative Jerry O. Kooiman (House Bill 5041)
House Committee: Criminal Justice
Senate Committee: Transportation and Tourism (House Bill 4037)
Judiciary (House Bill 5041)

Date Completed: 2-19-02

CONTENT

House Bill 4037 (H-2) 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.

House Bill 5041 (H-1) would amend the Code of Criminal Procedure to include in the sentencing guidelines the felonies proposed by House Bill 4037 (H-2).

House Bill 5041 (H-2) is tie-barred to House Bill 4037. Both bills would take effect on April 1, 2002.

House Bill 4037 (H-2)

Producing or Using Illegal License

The Code prescribes misdemeanor penalties for intentionally reproducing, altering, counterfeiting, forging, or duplicating a license photograph, the negative of a photograph, an image, a license, or the electronic data on a license, or using a license, image, or photo that has been reproduced, altered, counterfeited, forged, or duplicated. The penalty depends on the offense that the person intended to commit with the illegal license.

Currently, if the intent was to commit or aid in the commission of an offense punishable by imprisonment for one or more years, the illegal license activity is punishable by imprisonment for a period equal to the imprisonment that could be imposed for the offense the person intended to aid or commit, and a maximum fine of \$10,000. If the intent was to commit or aid in the commission of an offense punishable by imprisonment for less than one year, the illegal license activity is punishable by imprisonment for up to one year and/or a fine of up to \$1,000. The bill would replace these penalties.

Under the bill, if the intent of the reproduction, alteration, counterfeiting, forging, duplication, or use 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 reproducing, altering, counterfeiting, forging, duplicating, or using the driver's license 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's imprisonment, a maximum fine of \$2,000, or both.

Selling or Possessing Illegal License

The bill provides that a person who sold, or who possessed with the intent to deliver to another, a reproduced, altered, counterfeited, forged, or duplicated license photograph, negative of the photograph, image, license, or electronic data contained on a license or part of a 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 reproduced, altered, counterfeited, forged, or duplicated license photograph, photograph negative, image, license, or electronic data contained on a license, would be guilty of a misdemeanor punishable by up to one year's imprisonment, a maximum fine of \$2,000, or both. A person who was in possession of two or more would be guilty of a felony punishable by up to five years' imprisonment, a maximum fine of \$10,000, or both.

House Bill 5041 (H-2)

The bill would add to the sentencing guidelines the felonies proposed by House Bill 4037 (H-2), as shown in the table below.

Crime	Class	Category	Statutory Max
Forging license with intent to commit felony punishable by 10 years or more	D	Public Order	10 years
Forging license with intent to commit felony punishable by less than 10 years or misdemeanor punishable by 6 months or more	E	Public Order	5 years
Selling forged license or possessing with intent to deliver	E	Public Order	5 years
Possessing 2 or more forged licenses	E	Public Order	5 years

MCL 257.310 (House Bill 4037)
777.12 (House Bill 5041)

Legislative Analyst: Nobuko Nagata
Patrick Affholter

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 bills. (Because the current offense is a misdemeanor, data on the number of convictions and level of 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.

Fiscal Analyst: Bethany Wicksall