



Senate Fiscal Agency
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Senate Bill 797 (as reported without amendment)
Sponsor: Senator Tom George
Committee: Judiciary

CONTENT

The bill would amend the Code of Criminal Procedure to include in the sentencing guidelines a violation of the proposed "Identity Theft Protection Act", which Senate Bill 792 would create. Identity theft would be a Class E felony against the public order, with a statutory maximum penalty of five years' imprisonment.

Senate Bill 797 also would delete from the sentencing guidelines the offense of obtaining personal identification information without authorization (which Senate Bill 792 would repeal). That offense is a Class E property felony, with a statutory maximum penalty of five years' imprisonment.

The bill is tie-barred to Senate Bill 792.

MCL 777.14h & 777.16o

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government.

The proposed felony offense of identity theft would replace the felony offense of obtaining personal identification information without authorization and with intent to use the information unlawfully. According to the Department of Corrections Statistical Report, in 2001 seven people were convicted of the existing offense. Of those, one offender received incarceration in a State prison, one received incarceration in a local jail, and five received probation. Local units pay for incarceration in local facilities, the cost of which varies by county. The State incurs the cost of felony probation at an average annual cost of \$1,750, as well as the cost of incarceration in a State facility at an average annual cost of \$27,000. If one assumes that the number of offenders and types of sentences received would be similar for the proposed offense as the existing offense, the change would have no fiscal impact.

Date Completed: 11-17-03

Fiscal Analyst: Bethany Wicksall