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BILL ANALYSIS



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Senate Bill 912 (Substitute S-1 as reported by the Committee of the Whole)

Senate Bill 913 (Substitute S-2 as reported)

Sponsor: Senator Alan Sanborn (S.B. 912)

Senator Michelle A. McManus (S.B. 913)

Committee: Judiciary

CONTENT

Senate Bill 912 (S-1) would amend the Code of Criminal Procedure to revise the sentencing guidelines for forging a State identification card in order to commit a felony, and add to the guidelines felony offenses proposed by Senate Bill 913 (S-2). Currently, the offense is a Class H felony against the public order with a statutory maximum sentence of four years' imprisonment. The bill would replace that with the sentencing guidelines shown in Table 1.

Table 1

Violation	Felony Level	Statutory Maximum
Counterfeiting, forging, or using to commit felony punishable by 10 years or more	D - Public Order	10 years
Counterfeiting, forging, or using to commit crime punishable by more than 6 months but less than 10 years	E - Public Order	5 years
Selling, possessing with intent to deliver, or possessing 2 or more	E - Public Order	5 years

Senate Bill 913 (S-2) would amend Public Act 222 of 1972, which provides for official State personal ID cards, to revise the penalties for reproducing, altering, counterfeiting, forging, duplicating, or using an official State personal ID card; prescribe penalties for possessing an altered, counterfeited, forged, or duplicated card; and extend the penalties to violations involving a photograph, image, or electronic data contained on a card. The bill would take effect on September 1, 2004.

Under the Act, intentionally reproducing, altering, counterfeiting, forging, or duplicating an official identification card or using such a card is a felony if the intent is to commit or aid in an offense punishable by imprisonment for one year or more. The felony is punishable by up to four years' imprisonment and/or a maximum fine of \$5,000. If the intent is to commit or aid in an offense punishable by up to one year's imprisonment, the violation is a misdemeanor punishable by up to one year's imprisonment and/or a maximum fine of \$1,000.

The bill would revise the prohibition and the penalties. The bill would prohibit a person from intentionally reproducing, altering, counterfeiting, forging, or duplicating an official State personal ID card photograph or image, the negative of the photograph, an official State personal ID card, or the electronic data contained on a card or a part of a card, or using a card, image, or photograph that had been reproduced, altered, counterfeited, forged, or duplicated. A violation would be punishable as shown in Table 2.

Table 2

Intent	Offense Level	Max. Imprisonment	Max. Fine
Commit or aid in a felony punishable by 10 years or more	Felony	10 years	\$20,000
Commit or aid in a felony punishable by less than 10 years or a misdemeanor punishable by 6 months or more	Felony	5 years	\$10,000
Commit or aid in a misdemeanor punishable by less than 6 months.	Misdemeanor	1 year	\$2,000

The bill also would prohibit a person from selling, possessing, or possessing with intent to deliver to another person, a reproduced, altered, counterfeit, forged, or duplicated official State personal ID card photograph or image, negative of the photograph, official State personal ID card, or electronic data contained on a card or part of a card. A violation would be punishable as shown in Table 3.

Table 3

Violation	Offense Level	Max. Imprisonment	Max. Fine
Possession	Misdemeanor	1 year	\$2,000
Sale, possession with intent to deliver, or possession of 2 or more	Felony	5 years	\$10,000

The bill's felony offenses would not apply to a minor whose intent was to possess, purchase, or consume alcohol in violation of the Michigan Liquor Control Code. The offenses involving possession, sale, or possession with intent to deliver would not apply to a person who possessed one or more photocopies, reproductions, or duplications of an official State personal ID card or part of a card to document the person's identity for a legitimate business purpose.

MCL 777.11b (S.B. 912)
28.295 (S.B. 913)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government. According to the Department of Corrections Statistical Report, in 2001 no offenders were convicted of violating the counterfeit identification provision. There are no data available to indicate how many offenders would be convicted under the proposed changes. The bills potentially would decrease the number of convicted offenders by clarifying that the prohibition applies only to official State personal identification cards rather than any identification card, but they also could increase the number of potential offenders by expanding the provision to prohibit the reproduction and use of an ID card photograph, negative of the photograph, image, or electronic data contained on an ID card. The bills also could increase the number of potential offenders by prohibiting the sale, possession, and possession with intent to deliver of counterfeit identification. They also could have an impact on corrections costs by changing the maximum allowable sentence depending on the circumstances of the offense. Local units of government incur the costs of misdemeanor probation and incarceration in a local facility, which vary by county. The State incurs the cost of felony probation at an average annual cost of \$1,800 and the cost of incarceration in a State facility at an average annual cost of \$28,000.

Date Completed: 4-20-04

Fiscal Analyst: Bethany Wicksall

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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.