

SENATE BILL No. 913

January 14, 2004, Introduced by Senators McMANUS, KUIPERS, ALLEN, GARCIA,
SWITALSKI, CROPSEY and GOSCHKA and referred to the Committee on Judiciary.

A bill to amend 1972 PA 222, entitled

"An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes,"

by amending section 5 (MCL 28.295), as amended by 1984 PA 335.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) A person who intentionally reproduces, alters,
2 counterfeits, forges, or duplicates an identification card
3 photograph, the negative of the photograph, an image, an
4 identification card, or the electronic data contained on an
5 identification card or a part of an identification card or who
6 uses ~~a~~ an identification card, image, or photograph that has
7 been reproduced, altered, counterfeited, forged, or duplicated
8 ~~identification card shall be punished as follows~~ is subject to
9 1 of the following:

1 (a) If the intent of reproduction, alteration,
2 counterfeiting, forging, duplication, or use was to commit or aid
3 in the commission of an offense **that is a felony** punishable by
4 imprisonment for ~~1~~ 10 or more years, the person committing the
5 reproduction, alteration, counterfeiting, forging, duplication,
6 or use is guilty of a felony **punishable by imprisonment for not**
7 **more than 10 years or a fine of not more than \$20,000.00, or**
8 **both.**

9 (b) If the intent of the reproduction, alteration,
10 counterfeiting, forging, duplication, or use was to commit or aid
11 in the commission of an offense **that is a felony** punishable by
12 imprisonment for ~~not more~~ less than ~~1 year~~ 10 years or a
13 **misdemeanor punishable by imprisonment for more than 93 days**, the
14 person committing the reproduction, alteration, counterfeiting,
15 forging, duplication, or use is guilty of a misdemeanor
16 punishable by imprisonment for not more than 1 year, or a fine of
17 not more than ~~\$1,000.00~~ \$2,000.00, or both.

18 (c) If the intent of the reproduction, alteration,
19 counterfeiting, forging, duplication, or use was to commit or aid
20 in the commission of an offense that is a misdemeanor punishable
21 by imprisonment for 93 days or less, the person committing the
22 reproduction, alteration, counterfeiting, forging, duplication,
23 or use is guilty of a misdemeanor punishable by imprisonment for
24 not more than 1 year or a fine of not more than \$1,000.00, or
25 both.

26 (2) A person who possesses with the intent to deliver to
27 another a reproduced, altered, counterfeited, forged, or

1 duplicated identification card photograph, negative of the
2 photograph, image, identification card, or electronic data
3 contained on an identification card or part of an identification
4 card is guilty of a felony punishable by imprisonment for not
5 more than 5 years or a fine of not more than \$10,000.00, or
6 both.

7 (3) A person who is in possession of an altered,
8 counterfeited, forged, or duplicated identification card
9 photograph, negative of the photograph, image, identification
10 card, or electronic data contained on an identification card or
11 part of an identification card is guilty of a misdemeanor
12 punishable by imprisonment for not more than 1 year or a fine of
13 not more than \$2,000.00, or both.

14 (4) ~~—(2)—~~ A person shall not steal or, without the
15 cardholder's permission, knowingly take or knowingly remove an
16 official state personal identification card from the person or
17 possession of another. A person shall not use an official state
18 personal identification card that is stolen or knowingly taken or
19 knowingly removed from the person or possession of another.
20 Except as provided in subsection ~~—(3)—~~ (5), a person who violates
21 this subsection is guilty of a misdemeanor, punishable by
22 imprisonment for not more than 1 year.

23 (5) ~~—(3)—~~ A person shall not use an official state personal
24 identification card in the commission of a felony if the card is
25 stolen or knowingly taken or knowingly removed from the person or
26 possession of another. A person who violates this subsection is
27 guilty of the penalties provided for the felony committed with

1 the use of the card.