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BILL ANALYSIS

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Senate Bill 1234 (as introduced 4-27-06)
Sponsor: Senator Alan L. Cropsey
Committee: Judiciary

Date Completed: 5-1-06

CONTENT

The bill would amend the Michigan Penal Code to extend penalties for dealing in stolen, embezzled, or converted property to a person who had reasonable cause to believe that the property was stolen, embezzled, or converted. The bill also would prohibit a defense that the property was not actually stolen, if it had been represented to the accused as stolen property.

The Code prohibits a person from buying, receiving, possessing, concealing, or aiding in the concealment of stolen, embezzled, or converted money, goods, or property knowing the money, goods, or property is stolen, embezzled, or converted. Under the bill, the prohibition also would apply to a person who had reasonable cause to believe that the money, goods, or property was stolen, embezzled, or converted.

Similarly, the Code prohibits a person from buying, receiving, possessing, concealing, or aiding in the concealment of a stolen motor vehicle knowing that the vehicle is stolen, embezzled, or converted. The bill would include a person who had reasonable cause to believe that the motor vehicle was stolen, embezzled, or converted.

The bill also specifies that it would not be a defense to a charge under these provisions that the property was not stolen, embezzled, or converted property at the time of the violation if the property were explicitly represented to the accused person as being stolen, embezzled, or converted property at that time.

The penalties for an offense (other than one involving a motor vehicle) are shown in [Table 1](#). The penalties are based on the value of the property and the number of prior convictions. In each case, the maximum fine is the amount listed or three times the value of the property, whichever is greater.

Table 1

Property Value	Prior Convictions	Offense	Maximum Imprisonment	Maximum Fine
< \$200		Misd.	93 days	\$500
< \$200	1 or more	Misd.	1 year	\$2,000
\$200-< \$1,000		Misd.	1 year	\$2,000
\$200-< \$1,000	1 or more	Felony	5 years	\$10,000
\$1,000-< \$20,000		Felony	5 years	\$10,000
\$1,000-< \$20,000	2 or more	Felony	10 years	\$15,000
\$20,000 or more		Felony	10 years	\$15,000

An offense involving a motor vehicle is a felony punishable by up to five years' imprisonment and/or a maximum fine of \$10,000 or three times the value of the vehicle, whichever is greater.

MCL 750.535

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of buying, receiving, possessing, concealing, or aiding in the concealment of money, goods, or property having reasonable cause to believe the property was stolen, embezzled, or converted. In 2003, there were 2,303 felony convictions (561 of which were for attempting the offense) under this section of the Penal Code. Of these convictions, 452 offenders were sentenced to prison, 1,262 to probation, 250 to jail, and 339 to a delayed or suspended sentence or Holmes Youthful Trainee Act (HYTA) probation. There are no data to indicate the number of misdemeanor convictions under this section. To the extent that the bill would result in more convictions, local governments would incur increased costs of incarceration in local facilities, which vary by county. The State would incur increased costs of felony probation at an annual average cost of \$2,000, as well as the cost of incarceration in a State facility at an average annual cost of \$30,000. Additional penal fine revenue would benefit public libraries.

Fiscal Analyst: Lindsay Hollander

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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.