

Legislative Analysis



COUNTERFEIT DEED: COURT TO ORDER COPY TO BE RECORDED BY REGISTER OF DEEDS

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House Bill 5534

Sponsor: Rep. Steve Tobocman

Committee: Judiciary

Complete to 4-22-08

A SUMMARY OF HOUSE BILL 5532 AS INTRODUCED 12-6-07

Michigan law currently prohibits making, altering, forging, or counterfeiting numerous records, both private and public, with the intent to injure or defraud another person. It is also prohibited conduct to utter or publish as true a false, forged, altered, or counterfeit record, deed, instrument, or other writing with intent to injure or defraud.

House Bill 5534 would amend the Michigan Penal Code (MCL 750.248 and 750.249) to require in a situation in which a person was convicted of 1) making, altering, forging, or counterfeiting a deed, or 2) uttering or publishing a false, forged, altered, or counterfeit deed, (or for any lesser included offense) that the court issue an order indicating the deed is invalid and that a copy of the invalid deed be recorded in the office of Register of Deeds of any county in which the subject of the deed (lands or real estate) was located.

For a conviction involving making, counterfeiting, etc. a deed, any recording fees incurred with recording a copy of the invalid deed would be paid as ordered by the court. Further, the bill would specify that these provisions would not apply to a scrivener's error.

FISCAL IMPACT:

There would be no fiscal impact to state or local government. The increased administrative time to record the files would be negligible, and any filing fees would be paid by the defendant to the proceeding as ordered by the court.

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