



Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 5534 (Substitute S-2 as reported)
Sponsor: Representative Steve Tobocman
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

The bill would amend the Michigan Penal Code to require the circuit court to enter an order indicating that a document was invalid and requiring a copy of the invalid document and a certified copy of the order to be recorded with the county register of deeds if, in the proceedings resulting in a conviction of forgery or uttering and publishing, the court found that a person did any of the following:

- Made, altered, forged, or counterfeited a deed, discharge of mortgage, or other real estate document.
- Uttered and published as true a false, forged, altered, or counterfeit deed, discharge of mortgage, or other real estate document.

If the invalid document had previously been recorded, the prosecutor would have to give the circuit court the liber and page number or unique identifying reference number of the invalid document. The register of deeds would have to refer to the liber and page number or unique identifying reference number of the invalid document in the index of the recorded documents. Any recording fees incurred would have to be paid as ordered by the court.

MCL 750.248 & 750.249

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would likely increase local unit revenue by a negligible amount depending on the number of additional documents that would need to be recorded.

Date Completed: 12-3-08

Fiscal Analyst: David Zin