

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5534

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending sections 248 and 249 (MCL 750.248 and 750.249), section
248 as amended by 1991 PA 145.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 248. (1) ~~Any~~ **A** person who shall ~~falsely make, alter,~~
2 ~~forge, or counterfeit any~~ **MAKES, ALTERS, FORGES, OR COUNTERFEITS A**
3 public record, or ~~any~~ **A** certificate, return, or attestation of ~~any~~
4 **A** clerk of a court, ~~public~~ register **OF DEEDS**, notary public,
5 township clerk, or any other public officer, in relation to ~~any~~ **A**
6 matter ~~wherein such~~ **IN WHICH THE** certificate, return, or
7 attestation may be received as legal proof, or ~~any~~ **A** charter, deed,
8 will, testament, bond, writing obligatory, letter of attorney,

1 policy of insurance, bill of lading, bill of exchange, promissory
2 note, or ~~any~~**AN** order, acquittance of discharge for money or other
3 property, or ~~any~~**A** waiver, release, claim or demand, or ~~any~~**AN**
4 acceptance of a bill of exchange, or indorsement, or assignment of
5 a bill of exchange or promissory note for the payment of money, or
6 ~~any~~**AN** accountable receipt for money, goods, or other property ~~;~~
7 with intent to injure or defraud ~~any~~**ANOTHER** person ~~;~~~~shall be~~**IS**
8 guilty of a felony ~~;~~punishable by imprisonment for not more than
9 14 years.

10 (2) **THIS SECTION DOES NOT APPLY TO A SCRIVENER'S ERROR.**

11 (3) ~~(2)~~The venue in a prosecution under this section may be
12 ~~either~~in the county in which the forgery was performed; ~~;~~~~or~~in a
13 county in which ~~any~~**A** false, forged, altered, or counterfeit
14 record, deed, instrument, or other writing is uttered and published
15 with intent to injure or defraud; **OR IN THE COUNTY IN WHICH THE**
16 **RIGHTFUL PROPERTY OWNER RESIDES.**

17 (4) **IF IN THE PROCEEDINGS RESULTING IN A CONVICTION UNDER THIS**
18 **SECTION, OR FOR ANY LESSER INCLUDED OFFENSE, THE CIRCUIT COURT**
19 **FINDS THAT THE PERSON MADE, ALTERED, FORGED, OR COUNTERFEITED A**
20 **DEED, DISCHARGE OF MORTGAGE, OR OTHER REAL ESTATE DOCUMENT, THE**
21 **CIRCUIT COURT SHALL ENTER AN ORDER INDICATING THAT THE DOCUMENT IS**
22 **INVALID AND REQUIRING A COPY OF THE INVALID DOCUMENT AND A**
23 **CERTIFIED COPY OF THE ORDER TO BE RECORDED IN THE OFFICE OF THE**
24 **REGISTER OF DEEDS OF ANY COUNTY WHERE THE SUBJECT PROPERTY IS**
25 **LOCATED, AS PROVIDED IN SECTION 2935 OF THE REVISED JUDICATURE ACT**
26 **OF 1961, 1961 PA 236, MCL 600.2935. IF THE INVALID DOCUMENT HAS**
27 **PREVIOUSLY BEEN RECORDED, THE PROSECUTOR SHALL PROVIDE THE CIRCUIT**

1 COURT WITH THE LIBER AND PAGE NUMBER OR UNIQUE IDENTIFYING
2 REFERENCE NUMBER OF THE INVALID DOCUMENT, WHICH SHALL BE INCLUDED
3 IN THE ORDER. THE REGISTER OF DEEDS SHALL MAKE REFERENCE TO THE
4 LIBER AND PAGE NUMBER OR UNIQUE IDENTIFYING REFERENCE NUMBER OF THE
5 INVALID DOCUMENT IN THE INDEX OF THE RECORDED DOCUMENTS. ANY
6 RECORDING FEES INCURRED UNDER THIS SUBSECTION SHALL BE PAID AS
7 ORDERED BY THE COURT.

8 Sec. 249. (1) ~~Uttering and publishing forged instruments—Any~~
9 A person who shall utter and publish **UTTERS AND PUBLISHES** as true ~~any~~
10 ~~any~~ A false, forged, altered, or counterfeit record, deed,
11 instrument, or other writing mentioned in the preceding section,
12 **LISTED IN SECTION 248** knowing the same ~~IT~~ to be false, altered,
13 forged, or counterfeit ~~with intent to injure or defraud as~~
14 ~~aforsaid, shall be~~ **IS** guilty of a felony ~~punishable by~~
15 imprisonment in the state prison ~~FOR~~ not more than 14 years.

16 (2) **THIS SECTION DOES NOT APPLY TO A SCRIVENER'S ERROR.**

17 (3) **IF IN THE PROCEEDINGS RESULTING IN A CONVICTION UNDER THIS**
18 **SECTION, OR FOR ANY LESSER INCLUDED OFFENSE, THE CIRCUIT COURT**
19 **FINDS THAT THE PERSON UTTERED AND PUBLISHED AS TRUE A FALSE,**
20 **FORGED, ALTERED, OR COUNTERFEIT DEED, DISCHARGE OF MORTGAGE, OR**
21 **OTHER REAL ESTATE DOCUMENT, THE CIRCUIT COURT SHALL ENTER AN ORDER**
22 **INDICATING THAT THE DOCUMENT IS INVALID AND REQUIRING A COPY OF THE**
23 **INVALID DOCUMENT AND A CERTIFIED COPY OF THE ORDER TO BE RECORDED**
24 **IN THE OFFICE OF THE REGISTER OF DEEDS OF ANY COUNTY WHERE THE**
25 **SUBJECT PROPERTY IS LOCATED, AS PROVIDED IN SECTION 2935 OF THE**
26 **REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.2935. IF THE**
27 **INVALID DOCUMENT HAS PREVIOUSLY BEEN RECORDED, THE PROSECUTOR SHALL**

1 PROVIDE THE CIRCUIT COURT WITH THE LIBER AND PAGE NUMBER OR UNIQUE
2 IDENTIFYING REFERENCE NUMBER OF THE INVALID DOCUMENT, WHICH SHALL
3 BE INCLUDED IN THE ORDER. THE REGISTER OF DEEDS SHALL MAKE
4 REFERENCE TO THE LIBER AND PAGE NUMBER OR UNIQUE IDENTIFYING
5 REFERENCE NUMBER OF THE INVALID DOCUMENT IN THE INDEX OF THE
6 RECORDED DOCUMENTS. ANY RECORDING FEES INCURRED UNDER THIS
7 SUBSECTION SHALL BE PAID AS ORDERED BY THE COURT.