

Act No. 378
Public Acts of 2008
Approved by the Governor
December 23, 2008
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EFFECTIVE DATE: December 23, 2008

**STATE OF MICHIGAN
94TH LEGISLATURE
REGULAR SESSION OF 2008**

**Introduced by Reps. Tobocman, Alma Smith, Hopgood, Coulouris, Mayes, Meadows, Gonzales, Robert Jones,
Scott, Griffin, Bieda and Dean**

ENROLLED HOUSE BILL No. 5534

AN ACT to amend 1931 PA 328, entitled "An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," 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:

Sec. 248. (1) A person who falsely makes, alters, forges, or counterfeits a public record, or a certificate, return, or attestation of a clerk of a court, register of deeds, notary public, township clerk, or any other public officer, in relation to a matter in which the certificate, return, or attestation may be received as legal proof, or a charter, deed, will, testament, bond, writing obligatory, letter of attorney, policy of insurance, bill of lading, bill of exchange, promissory note, or an order, acquittance of discharge for money or other property, or a waiver, release, claim or demand, or an acceptance of a bill of exchange, or indorsement, or assignment of a bill of exchange or promissory note for the payment of money, or an accountable receipt for money, goods, or other property with intent to injure or defraud another person is guilty of a felony punishable by imprisonment for not more than 14 years.

(2) This section does not apply to a scrivener's error.

(3) The venue in a prosecution under this section may be in the county in which the forgery was performed; in a county in which a false, forged, altered, or counterfeit record, deed, instrument, or other writing is uttered and published with intent to injure or defraud; or in the county in which the rightful property owner resides.

(4) If in the proceedings resulting in a conviction under this section, or for any lesser included offense, the circuit court finds that the person made, altered, forged, or counterfeited a deed, discharge of mortgage, or other real estate document, the circuit court shall enter an order indicating that the document is invalid and requiring a copy of the invalid document and a certified copy of the order to be recorded in the office of the register of deeds of any county where the subject property is located, as provided in section 2935 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2935. If the invalid document has previously been recorded, the prosecutor shall provide the circuit court with the liber and page number or unique identifying reference number of the invalid document, which shall be included in the order. The register of deeds shall make reference to the liber and page number or unique identifying reference

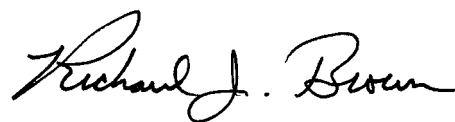
number of the invalid document in the index of the recorded documents. Any recording fees incurred under this subsection shall be paid as ordered by the court.

Sec. 249. (1) A person who utters and publishes as true a false, forged, altered, or counterfeit record, deed, instrument, or other writing listed in section 248 knowing it to be false, altered, forged, or counterfeit with intent to injure or defraud is guilty of a felony punishable by imprisonment for not more than 14 years.


(2) This section does not apply to a scrivener's error.

(3) If in the proceedings resulting in a conviction under this section, or for any lesser included offense, the circuit court finds that the person uttered and published as true a false, forged, altered, or counterfeit deed, discharge of mortgage, or other real estate document, the circuit court shall enter an order indicating that the document is invalid and requiring a copy of the invalid document and a certified copy of the order to be recorded in the office of the register of deeds of any county where the subject property is located, as provided in section 2935 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2935. If the invalid document has previously been recorded, the prosecutor shall provide the circuit court with the liber and page number or unique identifying reference number of the invalid document, which shall be included in the order. The register of deeds shall make reference 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 under this subsection shall be paid as ordered by the court.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor