

Legislative Analysis



PROHIBIT OBTAINING ENCRYPTED DATA FROM DRIVER LICENSE/STATE PERSONAL ID

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House Bills 6002 and 6003
Sponsor: Rep. Paul Opsommer
Committee: Transportation

Complete to 12-4-12

A SUMMARY OF HOUSE BILLS 6002 AND 6003 AS INTRODUCED 11-8-12

House Bill 6003 would amend the Enhanced Driver License/Official State Personal Identification Act to specify that a person could not intentionally obtain or attempt to obtain encrypted data from an enhanced driver license or a state personal identification card without the knowledge and consent of the licensee or card holder. A person would also be prohibited from reading or accessing data without the knowledge and consent of the licensee or card holder; selling, attempting to sell, or otherwise distributing data he or she knew was obtained in that manner; or possessing or attempting to possess data that he or she knew was obtained in that manner. A person who violated this provision would be guilty of a felony punishable by imprisonment for up to four years and/or a fine of up to \$5,000.

House Bill 6002 would amend the Code of Criminal Conduct to put the new Class F felony against the public order into sentencing guidelines. House Bill 6002 is tie-barred to House Bill 6003.

FISCAL IMPACT:

The bills create a new felony offense for improperly obtaining, possessing, or selling encrypted data from an enhanced driver's license or enhanced official state identification card. The offense would carry a penalty of up to 4 years in prison and/or a fine of not more than \$5,000. To the extent that the bill resulted in additional felony convictions that would not otherwise have occurred, it would increase state and local costs related to correctional systems. The average cost of prison incarceration in a state facility is roughly \$34,000 per prisoner per year, although the marginal cost of adding new prisoners to the system is typically lower. State costs related to parole and felony probation supervision average about \$2,400 per supervised offender per year. The local costs of incarceration in a county jail vary by jurisdiction. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally-designated recipients of those revenues.

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