



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 252 (Substitute S-3 as reported)
Senate Bill 253 (Substitute S-1 as reported)
Sponsor: Senator Jim Marleau (S.B. 252)
Senator John J. Gleason (S.B. 253)
Committee: Banking and Financial Institutions

CONTENT

Senate Bill 252 (S-3) would amend the Michigan Notary Public Act provide that it would be a felony, punishable by a maximum fine of \$5,000 and/or imprisonment for up to four years, if a person knowingly violated the Act when notarizing any document relating to an interest in real property or a mortgage.

Currently, except as provided for a person who performs a notarial act after his or her commission has been revoked, or as otherwise provided by law, a violation of the Act is a misdemeanor punishable by a maximum fine of \$5,000 and/or imprisonment for up to one year.

Senate Bill 253 (S-1) would amend the Code of Criminal Procedure to include violations of the Michigan Notary Public Act in the sentencing guidelines.

Performing notarial acts while a notary public commission was revoked would be a Class E felony against the public trust with a statutory maximum of five years. A violation involving conveyance of an interest in real property would be a Class F felony against the public trust with a four-year statutory maximum. The bill is tie-barred to Senate Bill 252.

MCL 55.309 (S.B. 252)
777.11c (S.B. 253)

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of the proposed offense. An offender convicted of the Class E offense under the bills would receive a sentencing guidelines minimum sentence range of 0-3 months to 24-38 months. An offender convicted of the Class F offense under the bills would receive a sentencing guidelines minimum sentence range of 0-3 months to 17-30 months. Local governments would incur the costs of incarceration in local facilities, which vary by county. The State would incur the cost of felony probation at an annual average cost of \$2,500, as well as the cost of incarceration in a State facility at an average annual cost of \$35,000. Additional penal fine revenue would benefit public libraries.

Date Completed: 5-4-11

Fiscal Analyst: Matthew Grabowski

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Bill Analysis @ www.senate.michigan.gov/sfa

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