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Senate Bills 252 and 253 (as introduced 3-9-11)
Sponsor: Senator Jim Marleau (S.B. 252)
Senator John J. Gleason (S.B. 253)
Committee: Banking and Financial Institutions

Date Completed: 5-3-11

CONTENT

Senate Bill 252 would amend the Michigan Notary Public Act to make violations of the Act a felony, rather than a misdemeanor, and increase the maximum term of imprisonment from one year to four years.

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

The bill is tie-barred to Senate Bill 252.

Senate Bill 252

Under the Michigan Notary Public Act, a person found guilty of performing a notarial act after his or her commission has been revoked is guilty of a felony punishable by a maximum fine of \$3,000, imprisonment for up to five years, or both.

Otherwise, a person who violates the Act is guilty of a misdemeanor punishable by a maximum fine of \$5,000, imprisonment for up to one year, or both. The bill would change this offense to a felony and increase the maximum prison term to four years.

The Act requires a notary public's commission to be revoked if the notary public is convicted of a felony or a substantially corresponding violation of another state. Revocation also is required if a notary public is convicted of two or more misdemeanors involving a violation of the Act within 12 month, or three or more misdemeanors involving a violation of the Act within five years. If a notary public is sentenced to a term of imprisonment, his or her commission is revoked automatically when the person begins serving his or her sentence.

The bill would delete the requirement that a notary public's commission be revoked for multiple misdemeanor convictions.

Senate Bill 253

Under the bill, performing notarial acts while a notary public commission was revoked would be Class E felony against the public trust with a statutory maximum of five years. Another violation of the Michigan Notary Public Act would be Class F felony against the public trust with a four-year statutory maximum.

MCL 55.301 et al. (S.B. 252)
777.11c (S.B. 253)

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of violating the Michigan Notary Public Act. 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.

Fiscal Analyst: Matthew Grabowski

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