

HOUSE BILL No. 5269

January 24, 2012, Introduced by Reps. Hughes, Jenkins, Price, Damrow, Johnson, Shaughnessy, Horn, Franz, Agema, Olson, Outman, Muxlow, Somerville, Cotter, Crawford, Knollenberg, O'Brien and Heise and referred to the Committee on Local, Intergovernmental, and Regional Affairs.

A bill to amend 2003 PA 238, entitled
"Michigan notary public act,"
by amending section 41 (MCL 55.301).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 41. (1) If **AN INDIVIDUAL COMMISSIONED AS** a notary public
2 ~~of~~**-IN** this state is convicted of a felony or of a substantially
3 corresponding violation of another state, the secretary shall
4 automatically revoke the notary public commission of that ~~person~~
5 **INDIVIDUAL** on the date that the ~~person's~~**-INDIVIDUAL'S** felony
6 conviction is entered.

7 (2) If **AN INDIVIDUAL COMMISSIONED AS** a notary public ~~of~~**-IN**
8 this state is convicted of 2 or more ~~misdemeanor offenses involving~~
9 ~~a violation of this act~~**-SPECIFIED MISDEMEANORS** within a 12-month
10 period while commissioned, or of 3 or more ~~misdemeanor offenses~~
11 ~~involving a violation of this act~~**-SPECIFIED MISDEMEANORS** within a

1 5-year period regardless of being commissioned, the secretary shall
 2 automatically revoke the notary public commission of that ~~person~~
 3 **INDIVIDUAL** on the date that the ~~person's most recent misdemeanor~~
 4 ~~conviction is entered.~~ **SECRETARY DETERMINES THE MISDEMEANOR OF WHICH**
 5 **THE INDIVIDUAL WAS CONVICTED IS A SPECIFIED MISDEMEANOR. AS USED IN**
 6 **THIS SUBSECTION, "SPECIFIED MISDEMEANOR" MEANS A MISDEMEANOR THAT**
 7 **THE SECRETARY DETERMINES INVOLVES ANY OF THE FOLLOWING:**

8 (A) A VIOLATION OF THIS ACT.

9 (B) A VIOLATION OF THE PUBLIC TRUST.

10 (C) AN ACT OF OFFICIAL MISCONDUCT, DISHONESTY, FRAUD, OR
 11 DECEIT.

12 (D) AN ACT SUBSTANTIALLY RELATED TO THE DUTIES OR
 13 RESPONSIBILITIES OF A NOTARY PUBLIC.

14 (3) If ~~a person holding office~~ **AN INDIVIDUAL COMMISSIONED** as a
 15 notary public **IN THIS STATE** is sentenced to a term of imprisonment
 16 in a state correctional facility or jail in this or any other state
 17 or in a federal correctional facility, ~~that person's~~ **HIS OR HER**
 18 commission as a notary public is revoked automatically on the day
 19 on which ~~the person~~ **HE OR SHE** begins serving the sentence in the
 20 jail or correctional facility. If ~~a person's~~ **AN INDIVIDUAL'S**
 21 commission as a notary public is revoked because ~~the person~~ **HE OR**
 22 **SHE** begins serving a term of imprisonment and ~~that person~~ **HE OR SHE**
 23 performs or attempts to perform a notarial act while imprisoned,
 24 ~~that person~~ **HE OR SHE** is not eligible to receive a commission as a
 25 notary public for at least 10 years after ~~the person~~ **HE OR SHE**
 26 completes his or her term of imprisonment.

27 (4) ~~A person~~ **AN INDIVIDUAL** found guilty of performing a

1 notarial act after his or her commission **AS A NOTARY PUBLIC** is
2 revoked under this section is guilty of a felony punishable by a
3 fine of not more than \$3,000.00 or by imprisonment for not more
4 than 5 years, or both.

5 (5) ~~A person,~~ **AN INDIVIDUAL**, regardless of whether he or she
6 has ever been commissioned as a notary public, ~~that~~ **WHO** is
7 convicted of a felony is disqualified from being commissioned as a
8 notary public for not less than 10 years after ~~the person~~ **HE OR SHE**
9 completes his or her sentence for that crime, including any term of
10 imprisonment, parole, or probation, and pays all fines, costs, and
11 assessments. As used in this section, a "felony" means a violation
12 of a penal law of this state, another state, or the United States
13 for which the offender, ~~upon conviction,~~ **IF CONVICTED**, may be
14 punished by death or imprisonment for more than 1 year or an
15 offense expressly designated by law ~~to be~~ **AS** a felony.

16 (6) If ~~a person~~ **AN INDIVIDUAL** is convicted of a violation
17 described in subsection (5), the court shall make a determination
18 of whether ~~the person~~ **HE OR SHE** is a notary. If the ~~person~~
19 **INDIVIDUAL** is a notary, the court shall inform the secretary of the
20 conviction.

21 (7) **IF AN INDIVIDUAL COMMISSIONED AS A NOTARY PUBLIC IN THIS**
22 **STATE IS CONVICTED OF ANY FELONY OR MISDEMEANOR IN ANY COURT, HE OR**
23 **SHE SHALL NOTIFY THE SECRETARY IN WRITING OF THE CONVICTION WITHIN**
24 **10 DAYS AFTER THE DATE OF THAT CONVICTION.**