

Act No. 206
Public Acts of 2011
Approved by the Governor
October 20, 2011
Filed with the Secretary of State
October 20, 2011
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**STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2011**

Introduced by Reps. Knollenberg, Tlaib, Barnett, Walsh, Liss, Cavanagh, Price, Slavens, Brunner and Nathan

ENROLLED HOUSE BILL No. 4462

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 criminal trials; to provide for liability for damages; 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), as amended by 2008 PA 378, and by adding sections 248b and 249b.

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, 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, 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.

Sec. 248b. (1) A person who falsely makes, alters, forges, or counterfeits a deed, a discharge of mortgage, or a power or letter of attorney or other document that affects an interest in real 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 the false, altered, forged, or counterfeit document is uttered and published with intent to injure or defraud; or in the county in which the rightful property owner resides.

(4) In proceedings that result in a conviction under this section or for any lesser included offense, the circuit court shall enter an order stating that the false, altered, forged, or counterfeit document is invalid and require that a certified copy of the court order with the invalid document, if not previously recorded, be attached and recorded in the office of the register of deeds of the county where the subject property or part of the 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, 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.

Sec. 249b. (1) A person who utters and publishes as true a false, forged, altered, or counterfeit deed or other document listed in section 248b knowing it to be false, forged, altered, 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) In proceedings that result in a conviction under this section or for any lesser included offense, the circuit court shall enter an order stating that the false, forged, altered, or counterfeit document is invalid and requiring that a copy of the invalid document and a certified copy of the order be recorded in the office of the register of deeds of the county where the subject property or part of the 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.

Enacting section 1. This amendatory act takes effect January 1, 2012.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved

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Governor