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House Bill 6172 (as reported by the Committee of the Whole)
Sponsor: Representative Matt Milosch
House Committee: Criminal Justice
Senate Committee: Judiciary

CONTENT

The bill would amend the Code of Criminal Procedure to extend the period of limitations for identity theft or attempted identity theft, when evidence was obtained and the individual who committed the offense had not been identified. ("Identity theft" would mean conduct prohibited under the proposed "Identity Theft Protection Act" or the offense of obtaining personal information without authorization.)

Under the Code, an indictment must be found and filed within six years after an offense is committed (except as provided for particular offenses). The bill specifies that an indictment for identity theft or attempted identity theft could be found and filed within six years after the offense was committed. If evidence of an identity theft violation were obtained and the individual who committed the offense had not been identified, however, an indictment could be found and filed at any time after the offense was committed, but not more than six years after the individual was identified. ("Identified" would mean that the individual's legal name was known.)

The bill also specifies that this extension or tolling of the limitations period would apply to any of the violations for which the limitations period had not expired at the time the extension or tolling took effect.

The bill would take effect on March 1, 2005.

MCL 767.24

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. By extending the period to file an indictment to six years after the identification of an offender, the bill could increase local court costs and both local and State corrections costs to the extent that it would allow additional identity theft cases to be prosecuted.

Date Completed: 11-30-04

Fiscal Analyst: Bethany Wicksall