

HOUSE BILL No. 6277

September 29, 2004, Introduced by Reps. Tobocman, Smith, Hopgood, Meisner, Farrah, Bieda, Gleason, Rivet, Kolb, Taub, Casperson, Pastor, Gaffney, Nofs, Stewart, LaJoy, Hune, Ward and Cheeks and referred to the Committee on Criminal Justice.

A bill to amend 1931 PA 328, entitled
 "The Michigan penal code,"
 by amending sections 248 and 249 (MCL 750.248 and 750.249),
 section 248 as amended by 1991 PA 145.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 248. (1) ~~Any~~ A person who ~~shall~~ falsely ~~make,~~
 2 ~~alter, forge, or counterfeit any~~ **makes, alters, forges, or**
 3 **counterfeits a** public record, or ~~any~~ **a** certificate, return, or
 4 attestation of ~~any~~ **a** clerk of a court, ~~public~~ register of
 5 **deeds**, notary public, township clerk, or any other public
 6 officer, in relation to ~~any~~ **a** matter ~~wherein such~~ **in which**
 7 **the** certificate, return, or attestation may be received as legal
 8 proof, or ~~any~~ **a** charter, deed, will, testament, bond, writing
 9 obligatory, letter of attorney, policy of insurance, bill of
 10 lading, bill of exchange, promissory note, or ~~any~~ **an** order,

1 acquittance of discharge for money or other property, or ~~any~~ a
2 waiver, release, claim or demand, or ~~any~~ an acceptance of a
3 bill of exchange, or indorsement, or assignment of a bill of
4 exchange or promissory note for the payment of money, or ~~any~~ an
5 accountable receipt for money, goods, or other property ~~—~~ with
6 intent to injure or defraud ~~any~~ another person ~~—, shall be~~ is
7 guilty of a felony ~~—~~ punishable by imprisonment for not more
8 than 14 years.

9 (2) The venue in a prosecution under this section may be
10 either in the county in which the forgery was performed ~~—~~ or in
11 a county in which ~~any~~ a false, forged, altered, or counterfeit
12 record, deed, instrument, or other writing is uttered and
13 published with intent to injure or defraud.

14 (3) If in the proceedings resulting in a conviction under
15 this section, or for any lesser included offense, it is
16 determined that the person made, altered, forged, or
17 counterfeited a deed, the court shall cause an order indicating
18 that the deed is invalid to be recorded, along with a copy of the
19 invalid deed, in the office of the register of deeds of any
20 county where the lands or real estate that is the subject of the
21 invalid deed is located as provided in section 2935 of the
22 revised judicature act of 1961, 1961 PA 236, MCL 600.2935. Any
23 recording fees incurred under this subsection shall be paid as
24 ordered by the court.

25 Sec. 249. (1) ~~Uttering and publishing forged~~
26 ~~instruments—Any~~ A person who ~~shall utter and publish~~ utters
27 and publishes as true ~~—, any~~ a false, forged, altered, or

1 counterfeit record, deed, instrument, or other writing ~~mentioned~~
2 ~~in the preceding section,~~ **listed in section 248** knowing ~~the~~
3 ~~same~~ it to be false, altered, forged, or counterfeit ~~,~~ with
4 intent to injure or defraud as aforesaid ~~,~~ ~~shall be~~ **is** guilty
5 of a felony ~~,~~ punishable by imprisonment ~~in the state prison~~
6 **for** not more than 14 years.

7 (2) **If in the proceedings resulting in a conviction under**
8 **this section, or for any lesser included offense, it is**
9 **determined that the person uttered and published as true a false,**
10 **forged, altered, or counterfeit deed, the court shall cause an**
11 **order indicating that the deed is invalid to be recorded, along**
12 **with a copy of the invalid deed, in the office of the register of**
13 **deeds of any county where the lands or real estate that is the**
14 **subject of the invalid deed is located as provided in section**
15 **2935 of the revised judicature act of 1961, 1961 PA 236, MCL**
16 **600.2935.**