

HOUSE BILL No. 5534

December 6, 2007, Introduced by Reps. Tobocman, Alma Smith, Hopgood, Coulouris, Mayes, Meadows, Gonzales, Robert Jones, Scott, Griffin, Bieda and Dean and referred to the Committee on Judiciary.

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, alter,~~
2 ~~forge, or counterfeit any~~ **MAKES, ALTERS, FORGES, OR COUNTERFEITS A**
3 public record, or ~~any~~ **A** certificate, return, or attestation of ~~any~~
4 **A** clerk of a court, ~~public~~ register **OF DEEDS**, notary public,
5 township clerk, or any other public officer, in relation to ~~any~~ **A**
6 matter ~~wherein such~~ **IN WHICH THE** certificate, return, or
7 attestation may be received as legal proof, or ~~any~~ **A** charter, deed,
8 will, testament, bond, writing obligatory, letter of attorney,

1 policy of insurance, bill of lading, bill of exchange, promissory
2 note, or ~~any~~ **AN** order, acquittance of discharge for money or other
3 property, or ~~any~~ **A** waiver, release, claim or demand, or ~~any~~ **AN**
4 acceptance of a bill of exchange, or indorsement, or assignment of
5 a bill of exchange or promissory note for the payment of money, or
6 ~~any~~ **AN** accountable receipt for money, goods, or other property ~~7~~
7 with intent to injure or defraud ~~any~~ **ANOTHER** person ~~7~~ ~~shall be~~ **IS**
8 guilty of a felony ~~7~~ punishable by imprisonment for not more than
9 14 years.

10 (2) **THIS SECTION DOES NOT APPLY TO A SCRIVENER'S ERROR.**

11 (3) ~~(2)~~ The venue in a prosecution under this section may be
12 either in the county in which the forgery was performed ~~7~~ or in a
13 county in which ~~any~~ **A** false, forged, altered, or counterfeit
14 record, deed, instrument, or other writing is uttered and published
15 with intent to injure or defraud.

16 (4) **IF IN THE PROCEEDINGS RESULTING IN A CONVICTION UNDER THIS**
17 **SECTION, OR FOR ANY LESSER INCLUDED OFFENSE, IT IS DETERMINED THAT**
18 **THE PERSON MADE, ALTERED, FORGED, OR COUNTERFEITED A DEED, THE**
19 **COURT SHALL CAUSE AN ORDER INDICATING THAT THE DEED IS INVALID AND**
20 **A COPY OF THE INVALID DEED TO BE RECORDED IN THE OFFICE OF THE**
21 **REGISTER OF DEEDS OF ANY COUNTY WHERE THE LANDS OR REAL ESTATE THAT**
22 **IS THE SUBJECT OF THE INVALID DEED IS LOCATED AS PROVIDED IN**
23 **SECTION 2935 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236,**
24 **MCL 600.2935. ANY RECORDING FEES INCURRED UNDER THIS SUBSECTION**
25 **SHALL BE PAID AS ORDERED BY THE COURT.**

26 Sec. 249. (1) ~~Uttering and publishing forged instruments—Any~~
27 **A person who shall utter and publish** **UTTERS AND PUBLISHES** as true ~~7~~

1 ~~any~~ A false, forged, altered, or counterfeit record, deed,
2 instrument, or other writing ~~mentioned in the preceding section,~~
3 LISTED IN SECTION 248 knowing ~~the same~~ IT to be false, altered,
4 forged, or counterfeit ~~,~~ with intent to injure or defraud ~~as~~
5 ~~aforesaid,~~ shall be IS guilty of a felony ~~,~~ punishable by
6 imprisonment ~~in the state prison~~ FOR not more than 14 years.

7 (2) THIS SECTION DOES NOT APPLY TO A SCRIVENER'S ERROR.

8 (3) IF IN THE PROCEEDINGS RESULTING IN A CONVICTION UNDER THIS
9 SECTION, OR FOR ANY LESSER INCLUDED OFFENSE, IT IS DETERMINED THAT
10 THE PERSON UTTERED AND PUBLISHED AS TRUE A FALSE, FORGED, ALTERED,
11 OR COUNTERFEIT DEED, THE COURT SHALL CAUSE BOTH AN ORDER INDICATING
12 THAT THE DEED IS INVALID AND A COPY OF THE INVALID DEED TO BE
13 RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS OF ANY COUNTY WHERE
14 THE LANDS OR REAL ESTATE THAT IS THE SUBJECT OF THE INVALID DEED IS
15 LOCATED AS PROVIDED IN SECTION 2935 OF THE REVISED JUDICATURE ACT
16 OF 1961, 1961 PA 236, MCL 600.2935.