



Senate Fiscal Agency  
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## BILL ANALYSIS



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Senate Bill 1282 (as introduced 9-19-12)  
Sponsor: Senator Darwin L. Booher  
Committee: Banking and Financial Institutions

Date Completed: 9-21-12

**CONTENT**

**The bill would amend the Revised Judicature Act to make an exception for qualified depository institutions to a provision that allows a person to recover treble damages for crimes involving theft, embezzlement, or conversion.**

Specifically, a person may recover three times the amount of actual damages sustained, plus costs and reasonable attorney fees, if the person is damaged by either or both of the following:

- Another person's stealing or embezzling property or converting property to that person's own use.
- Another person's buying, receiving, possessing, concealing, or aiding in the concealment of stolen, embezzled, or converted property, when the person buying, receiving, possessing, or aiding knew that the property was stolen, embezzled, or converted.

The bill specifies that a person could not recover damages under this provision from a qualified depository institution for property that was stolen, embezzled, or converted by another person and deposited in an account at the depository institution, unless the institution had actual knowledge of the theft, embezzlement, or conversion or was grossly negligent in servicing the account.

The bill would define "qualified depository institution" as a bank, savings and loan association, savings bank, or credit union that is chartered or organized under State or Federal law, and whose deposits or share accounts are insured by an agency of the United States government.

MCL 600.2919a

Legislative Analyst: Suzanne Lowe

**FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Josh Sefton

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