

THE MICHIGAN PENAL CODE (EXCERPT)

Act 328 of 1931

CHAPTER XLI

FORGERY AND COUNTERFEITING

750.248 Making, altering, forging, or counterfeiting public record; intent; felony; penalty; exception; venue; "distributed ledger technology" defined.

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) This section applies to a person that accomplishes a violation of subsection (1) by altering a record made utilizing distributed ledger technology.

(4) 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.

(5) As used in this section, "distributed ledger technology" means any distributed ledger protocol and supporting infrastructure, including blockchain, that uses a distributed, decentralized, shared, and replicated ledger, whether use of the ledger is public or private, permissioned or permissionless, and that may include the use of electronic currencies or electronic tokens as a medium of electronic exchange.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.248;—Am. 1964, Act 101, Eff. Aug. 28, 1964;—Am. 1967, Act 64, Eff. Nov. 2, 1967;—Am. 1991, Act 145, Imd. Eff. Nov. 25, 1991;—Am. 2008, Act 378, Imd. Eff. Dec. 23, 2008;—Am. 2011, Act 206, Eff. Jan. 1, 2012;—Am. 2019, Act 172, Eff. Mar. 19, 2020.

Former law: See section 1 of Ch. 155 of R.S. 1846, being CL 1857, § 5802; CL 1871, § 7631; How., § 9213; CL 1897, § 11659; CL 1915, § 15432; and CL 1929, § 17048.

750.248a Uttering and publishing false, forged, altered, or counterfeit financial transaction device.

Sec. 248a. A person who utters and publishes as true any false, forged, altered, or counterfeit financial transaction device, as defined in section 157m, with the intent to injure or defraud any person is guilty of a felony.

History: Add. 1987, Act 276, Eff. Mar. 30, 1988.

750.248b Making, altering, forging, or counterfeiting document affecting interest in real property; intent; felony; penalty; exception; venue; court order.

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.

History: Add. 2011, Act 206, Eff. Jan. 1, 2012.

750.249 Forgery of records and other instruments; uttering and publishing; exception.

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.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.249;—Am. 2008, Act 378, Imd. Eff. Dec. 23, 2008;—Am. 2011, Act 206, Eff. Jan. 1, 2012.

Former law: See section 2 of Ch. 155 of R.S. 1846, being CL 1857, § 5803; CL 1871, § 7632; How., § 9214; CL 1897, § 11660; CL 1915, § 15433; and CL 1929, § 17049.

750.249a Use or employment of tool or instrument to make counterfeit financial transaction device.

Sec. 249a. A person who casts, stamps, engraves, makes, or mends, or knowingly has in his or her possession a mold, pattern, die, puncheon, engine, press, or other tool or instrument adapted and designed for making a false, forged, altered, or counterfeit financial transaction device, as defined in section 157m, with the intent to use or employ or cause or permit the same to be used or employed in making a counterfeit financial transaction device is guilty of a felony.

History: Add. 1987, Act 276, Eff. Mar. 30, 1988.

750.249b Uttering or publishing as true document listed in MCL 750.248b; intent; felony; penalty; exception; court order.

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.

History: Add. 2011, Act 206, Eff. Jan. 1, 2012.

750.250 Forgery of notes issued for debt of state or political subdivisions.

Sec. 250. Forgery of notes, etc., issued for debt of state—Any person who shall falsely make, alter, forge or counterfeit any note, certificate, bond, warrant or other instrument, issued by the treasurer or other officer authorized to issue the same, of this state, or any of its political subdivisions or municipalities, with intent to injure or defraud as aforesaid, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 7 years.

History: 1931, Act 328, Eff. Sept. 18, 1931;—Am. 1934, 1st Ex. Sess., Act 16, Imd. Eff. Mar. 28, 1934;—CL 1948, 750.250.

Former law: See section 3 of Ch. 155 of R.S. 1846, being CL 1857, § 5804; CL 1871, § 7633; How., § 9215; CL 1897, § 11661; CL 1915, § 15434; and CL 1929, § 17050.

750.251 Forgery of bank bills and promissory notes.

Sec. 251. Forgery of bank bills and notes—Any person who shall falsely make, alter, forge, or counterfeit any bank bill or promissory note payable to the bearer thereof, or to the order of any person, issued by this state, or any of its political subdivisions or municipalities or by any incorporated banking company in this state, or in any of the British provinces of North America, or in any other state or country, or payable therein, at the office of any banking company incorporated by any law of the United States or of any other state, with intent to injure or defraud any person, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 7 years.

History: 1931, Act 328, Eff. Sept. 18, 1931;—Am. 1934, 1st Ex. Sess., Act 16, Imd. Eff. Mar. 28, 1934;—CL 1948, 750.251.

Former law: See section 4 of Ch. 155 of R.S. 1846, being CL 1857, § 5805; CL 1871, § 7634; How., § 9216; CL 1897, § 11662; CL 1915, § 15435; CL 1929, § 17051; and Act 33 of 1849.

750.252 Possession of counterfeit notes with intent to utter same as true.

Sec. 252. Possession of counterfeit notes, etc., with intent to utter same—Any person who shall have in his possession at the same time, 10 or more similar false, altered, forged or counterfeit notes, bills of credit, bank bills or notes of this state, or any of its political subdivisions or municipalities, payable to the bearer thereof, or to the order of any person, such as are mentioned in the preceding sections of this chapter, knowing the same to be false, altered, forged or counterfeit, with intent to utter the same as true, and thereby to injure and defraud as aforesaid, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 7 years.

History: 1931, Act 328, Eff. Sept. 18, 1931;—Am. 1934, 1st Ex. Sess., Act 16, Imd. Eff. Mar. 28, 1934;—CL 1948, 750.252.

Former law: See section 5 of Ch. 155 of R.S. 1846, being CL 1857, § 5806; CL 1871, § 7635; How., § 9217; CL 1897, § 11663; CL 1915, § 15436; and CL 1929, § 17052.

750.253 Uttering counterfeit notes as true.

Sec. 253. Uttering counterfeit notes, etc.—Any person who shall utter or pass, or tender in payment as true, any such false, altered, forged or counterfeit note, certificate or bill of credit for any debt of this state, or any of its political subdivisions or municipalities, any bank bill or promissory note, payable to the bearer thereof, or to the order of any person, issued as aforesaid, knowing the same to be false, altered, forged or counterfeit, with intent to injure or defraud as aforesaid, shall be guilty of a felony, punishable by imprisonment of not more than 5 years or by fine of not more than 2,500 dollars.

History: 1931, Act 328, Eff. Sept. 18, 1931;—Am. 1934, 1st Ex. Sess., Act 16, Imd. Eff. Mar. 28, 1934;—CL 1948, 750.253.

Former law: See section 6 of Ch. 155 of R.S. 1846, being CL 1857, § 5807; CL 1871, § 7636; How., § 9218; CL 1897, § 11664; CL 1915, § 15437; and CL 1929, § 17053.

750.254 Possession of counterfeit bank, state or municipal bills or notes.

Sec. 254. Possession of counterfeit bank bills, etc.—Any person who shall bring into this state, or shall have in his possession, any false, altered, forged or counterfeit bill or note in the similitude of the bills or notes payable to the bearer thereof, or to the order of any person issued by or for this state, or any of its political subdivisions or municipalities, or any bank or banking company, established in this state, or in any of the British provinces in North America, or in any other state or country, with intent to utter or pass the same, or to render the same current as true, knowing the same to be false, forged or counterfeit, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 5 years, or by fine of not more than 2,500 dollars.

History: 1931, Act 328, Eff. Sept. 18, 1931;—Am. 1934, 1st Ex. Sess., Act 16, Imd. Eff. Mar. 28, 1934;—CL 1948, 750.254.

Former law: See section 8 of Ch. 155 of R.S. 1846, being CL 1857, § 5809; CL 1871, § 7638; How., § 9220; CL 1897, § 11666; CL 1915, § 15439; and CL 1929, § 17055.

750.255 Tools and implements for counterfeiting bills or notes.

Sec. 255. Tools and implements for counterfeiting notes—Any person who shall engrave, make or mend, or begin to engrave, make or mend, any plate, block, press or other tool, instrument or implement, or shall make or provide any paper or other material, adapted or designed for the forging and making any false or counterfeit note, certificate or other bill of credit in the similitude of the notes, certificates, bills of credit issued by lawful authority for any debt of this state, or any of its political subdivisions or municipalities, or any false or counterfeit note or bill in the similitude of the notes or bills issued by any bank or banking company established in this state, or within the United States, or in any of the British provinces in North America, or in any foreign state or country; and any person who shall have in his possession any such plate or block, engraved in whole or in part, or any press or other tool, instrument or implement, or any paper or other material, adapted and designed as aforesaid, with intent to use the same, or to cause or permit the same to be used in forging or making any such false or counterfeit certificates, bills or notes, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 10 years or by fine of not more than 5,000 dollars.

History: 1931, Act 328, Eff. Sept. 18, 1931;—Am. 1934, 1st Ex. Sess., Act 16, Imd. Eff. Mar. 28, 1934;—CL 1948, 750.255.

Former law: See section 9 of Ch. 155 of R.S. 1846, being CL 1857, § 5810; CL 1871, § 7639; How., § 9221; CL 1897, § 11667; CL 1915, § 15440; and CL 1929, § 17056.

750.256 Testimony of president and cashier of bank.

Sec. 256. Testimony of president and cashier of bank—In all prosecutions for forging or counterfeiting any notes or bills of the bank before mentioned, or for altering, publishing or tendering in payment as true, any forged or counterfeit bank bills or notes, or for being possessed thereof, with intent to alter and pass the same as true, the testimony of the president and cashier of such bank may be dispensed with, if their place of residence shall be out of this state, or more than 40 miles from the place of trial; and the testimony of any person acquainted with the signature of the president or cashier of such banks, or who has knowledge of the difference in appearance of the true and counterfeit bills or notes thereof, may be admitted to prove that any such bills or notes are counterfeit; and the lawful existence of any bank out of this state shall be presumed upon evidence that such bank is actually engaged in the business of a bank.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.256.

Former law: See section 10 of Ch. 155 of R.S. 1846, being CL 1857, § 5811; CL 1871, § 7640; How., § 9222; CL 1897, § 11668; CL 1915, § 15441; and CL 1929, § 17057.

750.257 Sworn certificate; evidence.

Sec. 257. Sworn certificate made evidence—In all prosecutions for forging or counterfeiting any note, certificate, bills of credit or other security issued in behalf of the United States, or in behalf of any state or territory, or for uttering, publishing or tendering in payment as true, any such forged or counterfeit note, certificate, bill of credit, or security, or for being possessed thereof with intent to utter or pass the same as true, the certificate under oath of the secretary of the treasury, or of the treasurer of the United States, or of the secretary or treasurer of any state or territory on whose behalf such note, certificate, bill of credit or security, purports to have been issued, shall be admitted as evidence for the purpose of proving the same to be forged or counterfeit.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.257.

Former law: See section 11 of Ch. 155 of R.S. 1846, being CL 1857, § 5812; CL 1871, § 7641; How., § 9223; CL 1897, § 11669; CL 1915, § 15442; and CL 1929, § 17058.

750.258 Connecting parts of instruments.

Sec. 258. Connecting parts of instruments—If any person shall connect together different parts of several bank notes or other genuine instruments in such a manner as to produce an additional note or instrument, with intent to pass all of them as genuine, the same shall be deemed a forgery, in like manner as if each of them had been falsely made or forged.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.258.

Former law: See section 12 of Ch. 155 of R.S. 1846, being CL 1857, § 5813; CL 1871, § 7642; How., § 9224; CL 1897, § 11670; CL 1915, § 15443; and CL 1929, § 17059.

750.259 Affixing fictitious signature.

Sec. 259. Affixing fictitious signature—If any fictitious or pretended signature, purporting to be the signature of an officer or agent of any corporation, shall be fraudulently affixed to any instrument or writing, purporting to be a note, draft or other evidence of debt, issued by said corporation, with intent to pass the same as true, it shall be deemed a forgery, though no such person may ever have been an officer or agent of such corporation, nor ever have existed.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.259.

Former law: See section 13 of Ch. 155 of R.S. 1846, being CL 1857, § 5814; CL 1871, § 7643; How., § 9225; CL 1897, § 11671; CL 1915, § 15444; and CL 1929, § 17060.

750.260 Coins; counterfeiting and possession.

Sec. 260. Counterfeiting and possession of coins—Any person who shall counterfeit any gold or silver coin, current by law or usage within this state, and every person who shall have in his possession, at the same time, 5 or more pieces of false money or coin, counterfeited in the similitude of any gold or silver coin current as aforesaid, knowing the same to be false and counterfeit, and with intent to utter or pass the same as true, shall be guilty of a felony, punishable by imprisonment in the state prison for life, or for any term of years.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.260.

Former law: See section 15 of Ch. 155 of R.S. 1846, being CL 1857, § 5816; CL 1871, § 7645; How., § 9227; CL 1897, § 11673; CL 1915, § 15446; and CL 1929, § 17062.

750.261 Coins; counterfeiting; possession of less than 5 counterfeit.

Sec. 261. Possession of less than 5 pieces of counterfeit coin—Any person who shall have in his possession any number of pieces less than 5, of the counterfeit coin mentioned in the next preceding section, knowing the same to be counterfeit, with intent to utter and pass the same as true, and any person who shall

utter, pass, or tender in payment as true, any such counterfeit coin, knowing the same to be false and counterfeit, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 10 years, or by a fine of not more than 5,000 dollars.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.261.

Former law: See section 16 of Ch. 155 of R.S. 1846, being CL 1857, § 5817; CL 1871, § 7646; How., § 9228; CL 1897, § 11674; CL 1915, § 15447; and CL 1929, § 17063.

750.262 Counterfeiting; tools.

Sec. 262. Tools, etc., for counterfeiting coins—Any person who shall cast, stamp, engrave, make or mend, or shall knowingly have in his possession, any mould, pattern, die, puncheon, engine, press or other tool or instrument, adapted and designed for coining or making any counterfeit coin, in the similitude of any gold or silver coin, current by law or usage in this state, with intent to use or employ the same, or to cause or permit the same to be used or employed in coining or making any such false and counterfeit coin as aforesaid, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 10 years, or by a fine of not more than 5,000 dollars.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.262.

Former law: See section 18 of Ch. 155 of R.S. 1846, being CL 1857, § 5819; CL 1871, § 7648; How., § 9230; CL 1897, § 11676; CL 1915, § 15449; and CL 1929, § 17065.

750.263 Counterfeit marks.

Sec. 263. (1) A person who willfully counterfeits an identifying mark with intent to deceive or defraud another person or to represent an item of property or service as bearing or identified by an authorized identifying mark is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

(2) Except as provided in subsection (3), a person who willfully delivers, offers to deliver, uses, displays, advertises, or possesses with intent to deliver any item of property or services bearing, or identified by a counterfeit mark, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00 or 3 times the aggregate value of the violation, whichever is greater, or both imprisonment and a fine.

(3) A person who violates subsection (2) is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$50,000.00 or 3 times the aggregate value of the violation, whichever is greater, or both imprisonment and a fine, if any of the following apply:

(a) The person has a prior conviction under this section, section 264 or 265a, or former section 265 or a law of the United States or another state substantially corresponding to this section, section 264 or 265a, or former section 265.

(b) The violation involved more than 100 items of property.

(c) The aggregate value of the violation is more than \$1,000.00.

(4) A person who willfully manufactures or produces an item of property bearing or identified by a counterfeit mark is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$50,000.00 or 3 times the aggregate value of the violation, whichever is greater, or both imprisonment and a fine.

(5) Willful possession of more than 25 items of property bearing or identified by a counterfeit mark gives rise to a rebuttable presumption that the person possessed those items with intent to deliver them in violation of subsection (2).

(6) Any item of property bearing a counterfeit mark shall be seized under warrant or incident to a lawful arrest. An item of property that bears a counterfeit mark is subject to forfeiture in the same manner as provided in sections 4701 to 4709 of the revised judicature act of 1961, 1961 PA 236, MCL 600.4701 to 600.4709. Upon determination that an item of property bears a counterfeit mark, the court shall order the item forfeited and shall do 1 of the following:

(a) If the owner of the identifying mark requests, return the item to that owner for destruction or another disposition or use approved by the court.

(b) In the absence of a request under subdivision (a), order the seizing law enforcement agency to destroy the item as contraband or order an alternative disposition or use with the consent of the owner of the identifying mark.

(7) As used in this section and section 264:

(a) "Aggregate value of the violation" means the total value of all items of property or services bearing or identified by a counterfeit mark and involved in the violation, determined using the defendant's regular or intended selling price for each item or service or, if an item of property is intended as a component of a

finished product, the defendant's regular or intended selling price of the finished product in which the component would be used.

(b) "Counterfeit mark" means either of the following:

(i) A copy or imitation of an identifying mark without authorization by the identifying mark's owner.

(ii) An identifying mark affixed to an item of property or identifying services without authorization by the identifying mark's owner.

(c) "Deliver" means to actually or constructively transfer or attempt to transfer an item of property from 1 person to another, regardless of whether there is an agency relationship.

(d) "Identifying mark" means a trademark, service mark, trade name, name, label, device, design, symbol, or word, in any combination, lawfully adopted or used by a person to identify items of property manufactured, sold, or licensed by the person or services performed by the person.

(e) "Person" means an individual, partnership, corporation, limited liability company, association, union, or other legal entity. For purposes of ownership of an identifying mark, person includes a governmental entity.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.263;—Am. 1997, Act 155, Eff. Mar. 1, 1998;—Am. 2002, Act 672, Eff. Mar. 31, 2003.

Former law: See section 1 of Act 22 of 1863, being CL 1871, § 7649; How., § 9231; CL 1897, § 11677; CL 1915, § 15450; and CL 1929, § 8966.

750.264 Possession of counterfeit mark, die, plate, engraving, template, pattern, or material; violation as misdemeanor; penalty.

Sec. 264. A person who possesses a counterfeit mark with intent to use or deliver it, who possesses a die, plate, engraving, template, pattern, or material with intent to create a counterfeit mark, or who possesses an identifying mark without authorization of the identifying mark's owner and with intent to create a counterfeit mark is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.264;—Am. 1997, Act 155, Eff. Mar. 1, 1998;—Am. 2002, Act 672, Eff. Mar. 31, 2003.

Former law: See section 2 of Act 22 of 1863, being CL 1871, § 7650; How., § 9232; CL 1897, § 11678; CL 1915, § 15451; and CL 1929, § 8967.

750.265 Repealed. 1997, Act 155, Eff. Mar. 31, 1998.

Compiler's note: The repealed section pertained to selling goods bearing forged labels.

750.265a Union label; counterfeiting, imitation, unauthorized use.

Sec. 265a. Any person who counterfeits or imitates any union label, or who uses any union label without authority of the particular labor organization or association of working-men whose union label is being so used, shall be guilty of a misdemeanor. A union label for the purposes of this section is defined as a trademark, term, design, symbol or device of a labor organization or association of working-men adopted by them to distinguish their craft, trade or work or membership in or indicating work done by such labor organization or association of working-men.

History: Add. 1957, Act 62, Eff. Sept. 27, 1957.

750.266 Repealed. 2002, Act 296, Imd. Eff. May 9, 2002.

Compiler's note: The repealed section pertained to forged railroad passenger tickets.