

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 718 (Substitute S-1 as reported by the Committee of the Whole)
Senate Bill 719 (Substitute S-1 as reported by the Committee of the Whole)
Sponsor: Senator Mike Rogers (Senate Bill 718)
Senator Bev Hammerstrom (Senate Bill 719)
Committee: Judiciary

CONTENT

Senate Bill 718 (S-1) would amend the Michigan Penal Code to do all of the following:

- Prohibit and prescribe penalties for possessing, purchasing, delivering, selling, or exchanging certain vehicle identification equipment.
- Prohibit and prescribe penalties for purchasing, receiving, or obtaining control of a motor vehicle or motor vehicle part, intending to sell or dispose of the vehicle or part, knowing that an identification number had been removed or altered.
- Allow certain uses for a vehicle or mechanical device whose identification number could not be determined.

Specifically, the bill would prohibit a person from knowingly possessing, buying, delivering, or offering to buy, sell, exchange, or give away any manufacturer's vehicle identification number (VIN) plate, "Federal safety certification label", "antitheft label", "posident die stamps", Secretary of State vehicle identification label, "rosette rivet", or any facsimile of any of those items. The prohibition would not apply to a motor vehicle manufacturer, a parts supplier under contract with a motor vehicle manufacturer, or a law enforcement officer in the official performance of his or her duties. A violation would be a felony, punishable by up to four years' imprisonment, a maximum fine of \$10,000, or both. If the offender were a licensed dealer or repair facility, its license would have to be revoked.

The bill also would prohibit a person from buying, receiving, or obtaining control of a motor vehicle or motor vehicle part with the intent of selling or otherwise disposing of the vehicle or part, knowing that an identification number of the vehicle or part had been removed, obliterated, tampered with, or altered. A violation would be a felony, punishable by up to 10 years' imprisonment, a maximum fine of \$20,000, or both.

In addition, the Penal Code provides that, if the identification of a motor vehicle or a mechanical device has been removed, defaced, or altered in violation of the Code and the real identity of the vehicle or device cannot be determined, the vehicle or device must be sold at public auction. The bill would allow such a vehicle or device to be sold at public auction, put to official use by the government agency that seized the vehicle, or rendered scrap.

Senate Bill 719 (S-1) would amend the Code of Criminal Procedure to include the offenses proposed by Senate Bill 718 (S-1) in the sentencing guidelines. Buying, selling, exchanging, or giving away paraphernalia capable of changing or misrepresenting a motor vehicle's identity would be categorized as a Class G property felony, with a statutory maximum sentence of four years' imprisonment. Buying, receiving, or obtaining a motor vehicle or vehicle part with the intent to sell or dispose of it, knowing that the VIN had been altered or removed, would be categorized as a Class E property felony, with a statutory maximum sentence of 10 years' imprisonment. The bills would take effect 90 days after their enactment. Senate Bill 719 (S-1) is tie-barred to Senate Bill 718.

MCL 750.415 (S.B. 718)
777.16u (S.B. 719)

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government.

There are no data available to indicate how many people could be convicted of buying or selling paraphernalia capable of changing or misrepresenting a motor vehicle identification. The offense would be a Class G felony for which the range of minimum sentences is 0-3 months to 7-23 months. Also, there are no data available to indicate how many people could be convicted of obtaining a vehicle or part intending to sell or dispose of it knowing that the vehicle's identification number had been altered. The offense would be a Class F felony for which the range of minimum sentences is 0-3 months to 17-30 months. An offender convicted of either crime could receive an intermediate sanction or a prison term.

Assuming that five offenders a year were convicted of each offense, and assuming that all 10 offenders received the highest minimum sentence, annual costs for incarceration for these crimes, based on the average yearly cost of \$22,000 to incarcerate, would be \$485,800.

Date Completed: 10-1-99

Fiscal Analyst: K. Firestone

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.