

Legislative Analysis



CONCEALMENT OF A STOLEN VEHICLE: ENHANCED PENALTIES FOR REPEAT OFFENSES

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House Bills 4895 & 4896

Sponsor: Rep. Klint Kesto

Committee: Criminal Justice

Complete to 10-1-13

A SUMMARY OF HOUSE BILLS 4895 & 4896 AS INTRODUCED 7-18-13

House Bill 4895 would create an enhanced penalty for a conviction of buying, receiving, or concealing a motor vehicle for a defendant who already had a prior conviction for that crime or for a felony conviction of buying, receiving, or embezzling money or property.

House Bill 4896 would place the new felony sentence within the sentencing guidelines and is tie-barred to House Bill 4895.

House Bill 4895 would amend the Michigan Penal Code (MCL 750.535). Currently, a person who buys, receives, possesses, conceals, or aids in the concealment of a stolen motor vehicle, knowing or having reason to know or believe that the vehicle is stolen, embezzled, or converted, is guilty of a felony punishable by imprisonment for not more than five years and/or a fine. The fine cannot be more than \$10,000 or three times the value of the vehicle, whichever is greater. There is not now an enhanced penalty for a repeat offense. The bill would add the enhanced penalty.

Under the bill, a person who committed the above crime would be guilty of a felony punishable by imprisonment for not more than 10 years and/or a fine of not more than \$15,000 or three times the value of the vehicle involved if the person also had one or more prior convictions of either or both of the following:

- Buying, receiving, possessing, or concealing, or aiding in the concealment of a stolen, embezzled, or converted motor vehicle, or the attempt to do so.
- Buying, receiving, possessing, concealing, or aiding in the concealment of money, goods, or property known or believed to be stolen, converted, or embezzled (or attempting to do so) that resulted in a felony conviction.

House Bill 4896 would amend the Code of Criminal Procedure (MCL 777.16z) to specify that receiving or concealing a stolen motor vehicle, second or subsequent offense, would be a Class D felony involving property with a maximum term of imprisonment of 10 years.

FISCAL IMPACT:

A fiscal analysis is in process.

Legislative Analyst: Susan Stutzky

Fiscal Analyst: Robin Risko

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.