



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 4895 (Substitute S-1 as reported)
House Bill 4896 (Substitute S-1 as reported)
Sponsor: Representative Klint Kesto
House Committee: Criminal Justice
Senate Committee: Judiciary

CONTENT

House Bill 4895 (S-1) would amend the Michigan Penal Code to prescribe an enhanced felony penalty for knowingly buying, receiving, possessing, or concealing a stolen motor vehicle when the offender had one or more prior convictions for knowingly buying, receiving, possessing, or concealing stolen, embezzled, or converted money, goods, or property.

Section 535 of the Code prohibits a person from buying, receiving, possessing, concealing, or aiding in the concealment of stolen, embezzled, or converted money, goods, or property if the person knows or has reason to know or believe that it is stolen, embezzled, or converted. An offender is subject to a range of penalties, depending on the value of the property and his or her prior convictions for this offense.

Section 535 also prohibits a person from buying, receiving, possessing, concealing, or aiding in the concealment of a stolen motor vehicle, if the person knows or has reason to know or believe that it is stolen, embezzled, or converted. The offense is a felony punishable by up to five years' imprisonment and/or a maximum fine of \$10,000 or three times the value of the vehicle, whichever is greater.

Under the bill, a person who received, possessed, concealed, or aided in the concealment of a stolen motor vehicle, knowing or having reason to know or believe that it was stolen, and who had one or more prior convictions under Section 535, would be guilty of a felony punishable by up to 10 years' imprisonment and/or a maximum fine of \$15,000 or three times the value of the vehicle, whichever was greater. This provision would not apply, however, if the prior conviction involved property worth less than \$200.

House Bill 4896 (S-1) would amend the Code of Criminal Procedure to include the felony penalty proposed by House Bill 4895 (S-1) in the sentencing guidelines. Specifically, a second or subsequent offense of receiving or concealing a stolen motor vehicle would be a Class D property felony with a statutory maximum sentence of 10 years' imprisonment.

The bill is tie-barred to House Bill 4895.

Both bills would take effect 90 days after their enactment.

MCL 750.535 (H.B. 4895)
777.16z (H.B. 4896)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would increase the punishment for buying, receiving, possessing, or concealing a stolen motor vehicle, for those with one or more prior convictions (as described above). The bills would increase the statutory maximum for repeat offenders from five years to 10 years. The average cost of a prisoner year is \$35,000, so the bills would increase State costs by up to \$175,000 per conviction. This cost increase could be offset by a deterrent effect due to the increased sentence. Additional fine revenue would benefit public libraries.

Date Completed: 1-15-14

Fiscal Analyst: Steve Angelotti

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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.