



SENATE BILL No. 1256

September 20, 1994, Introduced by Senators HART, BERRYMAN, DINGELL, KELLY and DI NELLO and referred to the Committee on Judiciary

A bill to amend sections 3 and 5 of Act No 222 of the Public Acts of 1972, entitled as amended

"An act to provide for an official personal identification card to provide for its form, issuance and use to provide for certain duties of the secretary of state and to prescribe certain penalties for violations,"

section 5 as amended by Act No 335 of the Public Acts of 1984, being sections 28 293 and 28 295 of the Michigan Compiled Laws and to add section 6

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Sections 3 and 5 of Act No 222 of the Public
2 Acts of 1972, section 5 as amended by Act No 335 of the Public
3 Acts of 1984, being sections 28 293 and 28 295 of the Michigan
4 Compiled Laws, are amended and section 6 is added to read as
5 follows

1 Sec 3 (1) A person ~~who shall falsely represent~~
2 ~~information~~ SHALL NOT MAKE A FALSE STATEMENT upon application
3 for an official state personal identification card A PERSON WHO
4 VIOLATES THIS SECTION is guilty of a ~~misdemeanor~~ FELONY PUN-
5 ISHABLE AS FOLLOWS

6 (A) FOR A FIRST VIOLATION, IMPRISONMENT FOR NOT LESS THAN 1
7 YEAR OR MORE THAN 5 YEARS, OR A FINE OF NOT LESS THAN \$500 00 OR
8 MORE THAN \$5,000 00, OR BOTH

9 (B) FOR A SECOND VIOLATION, IMPRISONMENT FOR NOT LESS THAN 2
10 YEARS OR MORE THAN 7 YEARS, OR A FINE OF NOT LESS THAN \$1,500 00
11 OR MORE THAN \$7,000 00, OR BOTH

12 (C) FOR A THIRD OR SUBSEQUENT VIOLATION, IMPRISONMENT FOR
13 NOT LESS THAN 5 YEARS OR MORE THAN 15 YEARS, OR A FINE OF NOT
14 LESS THAN \$5,000 00 OR MORE THAN \$15,000 00, OR BOTH

15 (2) AN OFFICIAL STATE PERSONAL IDENTIFICATION CARD PROCURED
16 WITH AN APPLICATION CONTAINING A FALSE STATEMENT IS VOID AND
17 SHALL BE FORFEITED TO THE SECRETARY OF STATE

18 Sec 5 (1) A person who intentionally reproduces, alters,
19 counterfeits, forges, or duplicates ALL OR A PORTION OF an iden-
20 tification card or who uses ALL OR A PORTION OF a reproduced,
21 altered, counterfeited, forged, or duplicated identification card
22 shall be punished as follows

23 (a) If the intent of reproduction, alteration, counterfeit-
24 ing, forging, duplication, or use was to commit or aid in the
25 commission of an offense punishable by imprisonment for 1 or more
26 years, the person committing the reproduction, alteration,
27 counterfeiting, forging, duplication, or use is guilty of a

1 felony PUNISHABLE BY IMPRISONMENT FOR THE PERIOD AUTHORIZED BY
2 LAW FOR THE OFFENSE COMMITTED WITH THE USE OF THE CARD OR A FINE
3 OF NOT MORE THAN \$10,000 00, OR BOTH

4 (b) If the intent of the reproduction, alteration, counter-
5 feiting, forging, duplication, or use was to commit or aid in the
6 commission of an offense punishable by imprisonment for not more
7 than 1 year, the person committing the reproduction, alteration,
8 counterfeiting, forging, duplication, or use is guilty of a mis-
9 demeanor punishable by imprisonment for not more than 1 year, or
10 a fine of not more than \$1,000 00, or both

11 (2) A person shall not steal or, without the cardholder's
12 permission, knowingly take or knowingly remove an official state
13 personal identification card from the person or possession of
14 another A person shall not use an official state personal iden-
15 tification card that is stolen or knowingly taken or knowingly
16 removed from the person or possession of another Except as pro-
17 vided in subsection (3), a person who violates this subsection is
18 guilty of a misdemeanor, punishable by imprisonment for not more
19 than 1 year

20 (3) A person shall not use an official state personal iden-
21 tification card in the commission of a felony if the card is
22 stolen or knowingly taken or knowingly removed from the person or
23 possession of another A person who violates this subsection is
24 guilty of A FELONY AND IS SUBJECT TO the penalties provided for
25 the felony committed with the use of the card, OR A FINE OF NOT
26 MORE THAN \$10,000 00, OR BOTH

SEC 6 (1) A PERSON SHALL NOT DO ANY OF THE FOLLOWING

(A) DISPLAY, PERMIT TO BE DISPLAYED, OR POSSESS AN OFFICIAL
STATE PERSONAL IDENTIFICATION CARD KNOWING THE CARD IS FICTI-
TIOUS, CANCELED, VOIDED, OR ALTERED

(B) KNOWINGLY PERMIT THE USE OF HIS OR HER OFFICIAL STATE
PERSONAL IDENTIFICATION CARD BY ANOTHER PERSON

(C) DISPLAY OR REPRESENT AS HIS OR HER OWN AN OFFICIAL STATE
PERSONAL IDENTIFICATION CARD THAT WAS NOT ISSUED TO HIM OR HER

(D) FAIL OR REFUSE TO SURRENDER TO THE DEPARTMENT OF STATE

UPON DEMAND AN OFFICIAL STATE PERSONAL IDENTIFICATION CARD IN HIS
OR HER POSSESSION THAT HAS BEEN CANCELED OR VOIDED AS PROVIDED BY
LAW

(2) A PERSON WHO VIOLATES THIS SECTION OR A LOCAL ORDINANCE
SUBSTANTIALLY CORRESPONDING TO THIS SECTION IS GUILTY OF A MISDE-
MEANOR PUNISHABLE AS FOLLOWS

(A) FOR A FIRST VIOLATION WITHIN A 7-YEAR PERIOD, IMPRISON-
MENT FOR NOT MORE THAN 90 DAYS, OR A FINE OF NOT MORE THAN
\$1,000 00, OR BOTH

(B) FOR A SECOND OR SUBSEQUENT VIOLATION WITHIN A PERIOD OF
7 YEARS, IMPRISONMENT FOR NOT LESS THAN 90 DAYS OR MORE THAN 1
YEAR, OR A FINE OF NOT LESS THAN \$1,000 00 OR MORE THAN
\$5,000 00, OR BOTH