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BILL ANALYSIS

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Senate Bill 888 (as introduced 11-8-07)
Sponsor: Senator Cameron S. Brown
Committee: Economic Development and Regulatory Reform

Date Completed: 2-21-08

CONTENT

The bill would amend Public Act 350 of 1917, which regulates and provides for the licensure of second hand and junk dealers, to do all of the following:

- Allow a dealer's book or record, and weekly report to police, to be either written or electronic.**
- Require a dealer to make a copy of the driver license or State identification card of a person from whom the dealer purchased or received items, and include the copy in the dealer's weekly report to the police.**
- Extend felony penalties to buying or selling scrap metal stolen from irrigation systems and agricultural machinery.**

The Act requires a second hand or junk dealer to keep a separate book or other record, written in English, that is open to inspection by local law enforcement agencies. The bill would require a dealer to make and maintain a separate book or other written or electronic record.

The dealer must write or enter in the book or record, at the time an article is purchased or exchanged, a description of the article. The record also must include the name, description, fingerprint, operator's or chauffeur's license or State identification number, registration plate number, and address of the person from whom the article was purchased or received. The bill also would require the dealer to make a copy of the person's operator's license, chauffeur's license, or State identification card as part of the book or record.

By noon each Monday, a dealer licensed under the Act must prepare and deliver to the chief of police or chief law enforcement officer of the local unit, a legible and correct copy, written in English, from the book or other record, describing each article purchased or received during the preceding week. The report must include the hour and day when the purchase was made and a description of the person from whom the article was purchased. Under the bill, the weekly report would have to be a paper or electronic copy from the dealer's written or electronic record, and include a copy of the documentation required to be in the dealer's record regarding the person from whom the article was purchased. The weekly statement currently must be verified by the person's subscribing his or her name to it. The bill would require instead that the statement be verified in a manner acceptable to the chief of police or chief law enforcement officer.

A second hand or junk dealer who buys or sells stolen scrap metal that he or she has reason to believe was unlawfully removed from a utility pole, telecommunication company property, government property, or utility property or jobsite is guilty of a felony punishable

by up to five years' imprisonment and/or a maximum fine of \$10,000. The bill would include in that provision stolen scrap metal that the dealer had reason to believe was unlawfully removed from an irrigation system or agricultural machinery.

MCL 445.404 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of the expanded offense. Local governments would incur the costs of incarceration in local facilities, which vary by county. The State would incur the cost of felony probation at an annual average cost of \$2,000, as well as the cost of incarceration in a State facility at an average annual cost of \$33,000. Additional penal fine revenue would benefit public libraries.

Fiscal Analyst: Lindsay Hollander

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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.