

Legislative Analysis



OBTAINING A SIGNATURE BY FRAUD

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House Bill 4620

Sponsor: Rep. Timothy Bledsoe

House Bill 4626

Sponsor: Rep. Bob Constan

Committee: Senior Health, Security, and Retirement

Complete to 5-12-09

A SUMMARY OF HOUSE BILLS 4620 AND 4626 AS REPORTED FROM COMMITTEE ON 5-6-09

House Bill 4620 would amend the Michigan Penal Code to rewrite the provision regarding fraudulently obtaining a signature with the intent to cheat or defraud.

As modified by the bill, Section 273 of the code would say: *A person who fraudulently obtains the signature of any person with the intent to cheat and defraud that person is guilty of a felony, punishable by imprisonment for not more than 10 years or a fine of not more than \$5,000, or both.*

The provision currently reads as follows: *Any person who shall, by representing that he is the agent of any person, company, firm or corporation, or by any other means, fraudulently obtain the signature of any person with the intent to cheat and defraud such person, to any promissory note, bill of exchange, due bill, order, contract or any paper writing whatever, shall be guilty of a felony, punishable by imprisonment in the state prison not more than ten years or a fine of not more than \$5,000.*

House Bill 4626 would amend the Code of Criminal Procedure (MCL 777.16o) to make technical adjustments to the descriptions of various violations of fraud statutes. The description of a violation of Section 273 under the bill would be: "Obtaining signature with intent to defraud." Currently, that description is: "Obtaining signature to financial document with intent to defraud." (Italics added for emphasis.) There appear to be no change in penalties. The bill is tie barred to House Bill 4620.

FISCAL IMPACT:

The fiscal impact of the bills would depend on how they affected numbers of convictions for racketeering or severity of penalties for fraudulently obtaining a signature. Changes in sentences to prison or felony probation could affect the Department of Corrections, changes in sentences to jail could affect counties, and changes in collections of penal fine revenue could affect local libraries, which are the constitutionally-designated recipients of those revenues.

POSITIONS:

Office of Services to the Aging supports the bills. (5-6-09)

American Association of Retired Persons (AARP) supports the bills. (5-6-09)

Elder Law of Michigan supports the bills. (5-6-09)

National Association of Social Workers of Michigan supports the bill. (5-6-09)

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■ 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.