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A bill to amend 1966 PA 346, entitled  
"State housing development authority act of 1966,"  
by amending section 47 (MCL 125.1447), as amended by 2001 PA 153.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 47. (1) A person who, with intent to defraud or cheat,  
2       designedly by false pretense, including any false statement or  
3       representation, obtains money, real or personal property, or the  
4       use of an instrument, facility, article, or other valuable thing or  
5       service, including without limitation participation in programs  
6       initiated pursuant to this act is guilty of a crime as follows:

7       (a) If the value of the land, money, personal property, or use  
8       of an instrument, facility, article, or other valuable thing or  
9       service is less than \$200.00, the person is guilty of a misdemeanor  
10      punishable by imprisonment for not more than 93 days or a fine of



1 not more than \$500.00 or 3 times the value of the land, money, or  
2 personal property, or use of an instrument, facility, article, or  
3 other valuable thing or service, whichever is greater, or both  
4 imprisonment and a fine.

5 (b) If any of the following apply, the person is guilty of a  
6 misdemeanor punishable by imprisonment for not more than 1 year or  
7 a fine of not more than \$2,000.00 or 3 times the value of the land,  
8 money, personal property, or use of an instrument, facility,  
9 article, or other valuable thing or service, whichever is greater,  
10 or both imprisonment and a fine:

11 (i) The value of the land, money, personal property, or use of  
12 an instrument, facility, article, or other valuable thing or  
13 service is \$200.00 or more but less than \$1,000.00.

14 (ii) The person violates subdivision (a) and has 1 or more  
15 prior convictions for committing or attempting to commit an offense  
16 under this section.

17 (c) If any of the following apply, the person is guilty of a  
18 felony punishable by imprisonment for not more than 5 years or a  
19 fine of not more than \$10,000.00 or 3 times the value of the land,  
20 money, personal property, or use of an instrument, facility,  
21 article, or other valuable thing or service, whichever is greater,  
22 or both imprisonment and a fine:

23 (i) The value of the land, money, personal property, or use of  
24 an instrument, facility, article, or other valuable thing or  
25 service is \$1,000.00 or more but less than \$20,000.00.

26 (ii) The person violates subdivision (b) (i) and has 1 or more  
27 prior convictions for violating or attempting to violate this



1 section. For purposes of this subparagraph, however, a prior  
2 conviction does not include a conviction for a violation or  
3 attempted violation of subdivision (a) or (b) (ii).

4 (d) If any of the following apply, the person is guilty of a  
5 felony punishable by imprisonment for not more than 10 years or a  
6 fine of not more than \$15,000.00 or 3 times the value of the land,  
7 money, personal property, or use of an instrument, facility,  
8 article, or other valuable thing or service, whichever is greater,  
9 or both imprisonment and a fine:

10 (i) The land, money, personal property, or use of an  
11 instrument, facility, article, or other valuable thing or service  
12 has a value of \$20,000.00 or more.

13 (ii) The person violates subdivision (c) (i) and has 2 or more  
14 prior convictions for committing or attempting to commit an offense  
15 under this section. For purposes of this subparagraph, however, a  
16 prior conviction does not include a conviction for a violation or  
17 attempted violation of subdivision (a) or (b) (ii).

18 (2) The values of the land, money, personal property, or use  
19 of an instrument, facility, article, or other valuable thing or  
20 service obtained in separate incidents pursuant to a scheme or  
21 course of conduct within any 12-month period may be aggregated to  
22 determine the total value of the land, money, personal property, or  
23 use of an instrument, facility, article, or other valuable thing or  
24 service.

25 (3) If the prosecuting attorney intends to seek an enhanced  
26 sentence based upon the defendant having 1 or more prior  
27 convictions, the prosecuting attorney shall include on the

1 complaint and information a statement listing the prior conviction  
2 or convictions. The existence of the defendant's prior conviction  
3 or convictions ~~shall~~**MUST** be determined by the court, without a  
4 jury, at sentencing or at a separate hearing for that purpose  
5 before sentencing. The existence of a prior conviction may be  
6 established by any evidence relevant for that purpose, including,  
7 but not limited to, 1 or more of the following:

8 (a) A copy of the judgment of conviction.

9 (b) A transcript of a prior trial, plea-taking, or sentencing.

10 (c) Information contained in a presentence report.

11 (d) The defendant's statement.

12 (4) If the sentence for a conviction under this section is  
13 enhanced by 1 or more prior convictions, those prior convictions  
14 ~~shall~~**MUST** not be used to further enhance the sentence for the  
15 conviction ~~pursuant to~~**UNDER** section ~~10, 11, or 12~~ of chapter IX  
16 of the code of criminal procedure, 1927 PA 175, MCL ~~769.10, 769.11~~  
17 ~~and 769.12~~.

18 Enacting section 1. This amendatory act does not take effect  
19 unless Senate Bill No.\_\_\_\_ or House Bill No.\_\_\_\_ (request no.  
20 03565'19) of the 100th Legislature is enacted into law.