



# CRC MEMORANDUM



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## STATEWIDE ISSUES ON THE NOVEMBER GENERAL ELECTION BALLOT PROPOSAL 2010-02

On November 2, 2010, electors in Michigan will be presented with a legislatively proposed amendment to the state Constitution to prohibit certain felons from holding elective or appointive office and some

other positions of public employment. The drafters proposed the constitutional amendment to preserve public trust in government.<sup>1</sup>

### The Proposed Amendment

If adopted by the voters, Proposal 2010-02 would add Section 8 to Article XI of the 1963 Michigan Constitution to read as follows:

A person is ineligible for election or appointment to any state or local elective office of this state and ineligible to hold a position in public employment in this state that is policy-making or that has discretionary authority over public assets if, within the immediately preceding 20 years, the person was convicted of a felony involving dishonesty, deceit, fraud, or a breach of the public trust and the conviction was related to the person's official capacity while the person was holding any elective office or position of employment in local, state, or federal government. This requirement is in addition to any other qualification required under this constitution or by law.

The legislature shall prescribe by law for the implementation of this section.

Proposal 2010-02 directs the legislature to implement the amendment, if approved by voters. In doing so, the legislature can be expected to give statutory definition to the ambiguous terms, create a process for vetting candidates for elective and appointive office and public employment, and outline a procedure for resolving disputes. The legislature could, for example, create an administrative body to vet candidates and settle disagreements, or it could assign these responsibilities to an existing agency. If the legislature does not outline a procedure for resolving disputes, the courts will be responsible for settling disagreements.

In addition to the legislature, other governmental officials will play a role in implementing Proposal 2010-02, if voters approve it. Current state filing requirements only stipulate conditions regarding a candidate's age, voter registration, licensure, residency and citizenship. The proposed amendment would not impact these requirements unless the state legislature, in prescribing for the implementation of the proposal, requires the Michigan secretary of state

to change the filing requirements. If an ineligible felon were to file as a candidate for public office, the Michigan secretary of state or county clerk with whom the felon files could contest the filing to prohibit the ineligible felon's name from appearing on the ballot. If the secretary of state or county clerk does not contest the filing and voters elect the ineligible candidate, the felon would not take office. Instead, the office would be vacant and Michigan Election Law would dictate the manner for filling the office. The law varies based on the office but includes, for example, a special election to fill vacant state legislative seats and a gubernatorial appointment to fill the office of attorney general.

Proposal 2010-02 would affect public officers at all levels of state and local government including the state, universities, courts, counties, cities, villages,

<sup>1</sup> Statement from Michigan House of Representatives Committee on Ethics and Elections, Analysis as Reported from House Committee (06-17-10).



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townships, school districts, charter school districts, intermediate school districts, community college districts and special authorities. A position of public employment meeting the criteria of “policy-making or that has discretionary authority over public assets” could include positions of state or local employment related to the treasury, clerk, finance, purchasing, budget, public works or water provision functions. The proposed amendment would supplement an existing law banning certain felons from holding elective office in the state legislature. Article IV, Section 7 of the Michigan Constitution prohibits individuals convicted of subversion (i.e. treason) or a felony involving breach of the public trust, within 20 years, from serving in the Michigan Legisla-

ture. Proposal 2010-02 would augment this with a new constitutional section that applies to all potential elected and appointed officials in state and local government as well as other prospective public employees. It adds felonies involving dishonesty, deceit and fraud to the offenses that prevent an individual from filling a seat in the Michigan Senate or House of Representatives.

Given the vagueness of some of the language, Proposal 2010-02 may apply to a wider or narrower group of felons than some voters anticipate. For example, a county employee who pays a claim against a county prior to the completion of an audit has committed a felony. However, voters may disagree as to whether this felony represents

a breach of the public trust. Data from the Michigan Judicial Institute (MJJ) may provide some clarity in terms of which felonies involve a breach of the public trust, as it already categorizes crimes in such a way for purposes of the sentencing guidelines. The MJJ is a training division of the State Court Administrative Office of the Michigan Supreme Court. It was developed in 1977 to provide judges and court personnel with an opportunity to develop and enhance their professional skills. The MJJ identifies over 200 violations of Michigan law as violations of public trust (See Appendix). However, the MJJ does not provide definitions for the terms “breach of the public trust,” “dishonesty”, “deceit” or “fraud” included in the proposed constitutional amendment.

## Related Constitutional and Statutory Provisions

Proposal 2010-02 would amend Article XI, entitled “Public Officers and Employment.” The article has seven sections that lay out rules regarding elective office and public employment in Michigan. Existing sections relate to the oath of office for public officers, terms of office for state and county officers, eligibility to hold office as a custodian of public moneys, the state classified civil service system, merit systems for local governments and impeachment of civil officers.

The proposed amendment would supplement existing Michigan laws regarding eligibility for elective offices. **Table 1** shows examples of eligibility criteria for common public offices.

As **Table 1** illustrates, Michigan Election Law requires candidates for most public offices to be registered voters. Since an individual cannot vote while in prison in Michigan,<sup>2</sup> a felon who is incar-

cerated cannot be a candidate for offices with this requirement.

In addition to the qualifications outlined in the table, there exist other Michigan statutes that limit an individual's ability to fill public office. Public Act 370 of 1941 prohibits anyone who, while a county official or employee, was convicted of helping someone cheat on a county civil service exam from holding any elective or appointive office in the state for 20 years after conviction. Moreover, the Michigan Constitution limits the

<sup>2</sup> Michigan Election Law, Public Act 116 of 1954. Section 168.758b.

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**Table 1**  
**Eligibility Criteria for Public Office Provided in State Laws**

Office	Qualified and Registered Elector in District	Qualified and Registered Elector in Michigan for at Least 4 Years Preceding the Election	At Least 21 Years of Age	Less than 70 Years of Age	Licensed to Practice Law in Michigan	Has Been Admitted to the Practice of Law for at Least 5 Years	Not Removed from Office by the Governor within the Preceding 3 Years	Not Convicted of Subversion or a Felony Involving Breach of Public Trust within the Preceding 20 Years
Governor	X	X						
Attorney General	X							
Secretary of State	X							
State Representative	X	X	X					X
State Senator	X	X	X					X
Judge of District, Circuit, and Probate Courts; Court of Appeals; and Justice of Supreme Court	X			X	X	X		
School Board	X							
County Treasurer*	X							
County Sheriff*	X							
City Office*							X	
Village Office*							X	
Township Office**	X							

\*Other eligibility criteria may be provided in county, city, or village charters.

\*\*Other than Township Board of Review

Sources: Michigan Election Law, Michigan Constitution

terms of state executive and legislative officers, thus extending the eligibility criteria to include having not exceeded the term limits for a given office.

While Proposal 2010-02 adds eligibility criteria for state and local

offices, it would not apply to federal offices. The U.S. Constitution governs qualifications for members of the U.S. Senate and House of Representatives. It stipulates only citizenship, residency and age requirements. The Supreme Court has ruled that states cannot add

conditions.<sup>3</sup> Therefore, a felon ineligible for state and local office under this amendment would remain eligible for federal office.

<sup>3</sup> Inc v Thornton [514 US 779; 115 S Ct 1842; 131 L Ed 2d 884 (1995)]

## Issues to Consider

### Qualities of Public Servants

Proposal 2010-02 would ensure that state and local elective officials and some public employees have demonstrated a minimum standard of character by not being convicted of certain felonies. If passed, the amendment would be imbedded in the Constitution basic voter preferences regarding honesty and integrity. Proponents of the amendment contend that Proposal 2010-02 would help protect Michigan from perverse individuals who seek positions of authority in state and local government. In doing so, they argue, the amendment would buttress the public trust. Opponents of Proposal 2010-02 assert that the election, appointment and employment of such felons is very rare given the safeguard that contested elections and employment standards provide, and a constitutional amendment is not necessary to weed out unqualified candidates.

### Ambiguous Language

The ambiguity of much of the proposed amendment's language raises a number of questions:

- Which positions in public employment entail policy-making or discretionary authority over public assets?
- Which felonies involve—or better, do not involve—dishonesty, deceit, fraud or a breach of the public trust?
- Under what circumstances will

a felony be considered to relate to an individual's official capacity of elective office or position of public employment?

- Who will be responsible for resolving disagreements regarding these and other points when persons who this proposed amendment might preclude from office attempt to file as a candidate for public office or apply for a restricted position of employment?

### Local Control

Michigan is a strong home rule state. This means that the state Constitution grants discretion to local governments to address certain issues at the local level. Currently, the state provides few restrictions on local governments' employment decisions. Most restrictions apply to candidates for employment in public and private hospitals and schools. For example, Public Act 451 of 1976 prohibits schools from employing felons unless the superintendent and governing body specifically approve the assignment. Proposal 2010-02 would shift some local decision-making authority to the state by creating a threshold that all candidates for public employment would have to surpass.

### Federal Law

Federal law permits discrimination based on felony convictions. The Supreme Court has ruled that states can restrict state and local

elections to protect the public good.<sup>4</sup> In order to discriminate in terms of public employment, a governmental entity, like any employer, must be unable to trust the felon to perform the duties of the job as demonstrated by the nature and seriousness of the conviction.<sup>5</sup> The language in Proposal 2010-02 appears to meet this threshold of aligning key qualifications with positions of authority and specific types of felonies. Similar to Proposal 2010-02, there exist federal laws specifying felonies that disqualify individuals from holding certain federal government employment. For example, Title 18, Section 2385 of the U.S. Code states that an individual is ineligible for federal employment for five years after a conviction of treason. Likewise, Title 25, Section 7213A of the U.S. Code holds that all felons are ineligible to serve on the National Indian Gaming Commission.

### Limiting Felon Employment Options

While the proposal would not disallow all public employment of felons convicted of certain crimes,

<sup>4</sup> Andrea Steinacker. "The Prisoner's Campaign: Felony Disenfranchisement Laws and the Right to Hold Public Office." *Brigham Young University Law Review* (2003), pp 813.

<sup>5</sup> U.S. Equal Employment Opportunity Commission. *Prohibited Practices: Pre-Employment Inquiries and Arrest & Conviction*.

it would further restrict their employment options. In addition to Michigan laws that ban employment of certain felons in, for example, nursing homes, childcare centers and corrections facilities, public and private employers have their own standards, which may prohibit employment of certain felons. Opponents contend that it is not in the interest of the state government to make it more difficult for felons to find employment. Opponents also argue that the state government should not place additional penance, in the form of restricting employment options, on felons who fulfill their sentences. For reasons such as these, most states do not limit public employment of felons.<sup>6</sup>

**Other States’ Laws**

While many states do not restrict public employment, as of 2003, 40

<sup>6</sup> Leanne Fiftal Alarid, Paul F. Cromwell and Rolando V. Del Carmen. *Community-Based Corrections*. Thomas Learning, Inc, 2008. Pp. 344.

states, including Michigan, limit felons in terms of holding state and/or local elective office. In 15 of these states, but not in Michigan, felons recover the privilege to fill the restricted elective offices after completing their sentences, probations and restitution payments. Twelve states, but again not Michigan, offer the option of restoring the right to hold office through expungement, executive pardon or restoration of civil rights.<sup>7</sup> (See **Table 2**.) Many of these states have specific laws that address felons whose convictions involved a breach of the public trust or occurred when the individual was holding elective office. For example, Chapter 522 of Kentucky’s Revised Statues prohibits anyone convicted of an abuse of public trust from filling any elec-

<sup>7</sup> Kevin G. Buckler and Lawrence F. Travis III. “Reanalyzing the Prevalence and Social Context of Collateral Consequence Statues.” *Journal of Criminal Justice* 31 (2003), pp. 443.

tive office and defines an abuse of public trust as using public money or property as one’s own.

**Public Trust**

There is no evidence that Proposal 2010-02 would preserve public trust, the resolution’s stated goal. While research shows that political scandals and perceptions of crime—among other things—impact public trust, this amendment likely would prevent few scandals or crimes.<sup>8</sup> Proposal 2010-02 would only preclude those convicted of certain crimes from some future roles in state and local government.

<sup>8</sup> Virginia A. Chanley, Thomas J. Rudolph and Wendy M. Rahn. “The Origins and Consequences of Public Trust in Government: A Time Series Analysis.” *The Public Opinion Quarterly*, Vol. 64, No. 3 (Autumn, 2000), pp. 239-256.

**Table 2**  
**State Election Laws Related to Felons Eligibility to Elected Office**

Limits Felons Access to Holding Elective Office	Felons Recover Elective Office Privileges through Sentence Completion	Felons Recover Elective Office Privileges through Expungement
AL AR CA CO CT DE FL GA HI ID IL IN KS KY LA MA <b>MI</b> MN MS MO MT NE NV NH NJ NM NC ND OH OK OR PA RI SC SD TN TX WA WV WY	CO CT HI ID IL KS MN MO MT NH ND OR SD WV WY	GA KY LA MS NV NH NM NC OH TN TX WA

Source: Journal of Criminal Justice 31 (2003)

## Appendix – Crimes Against Public Trust

Chapter 777 of the Michigan Compiled Laws provides the sentencing guidelines for judges to use in punishing felons for the crimes committed. The sentencing guidelines group crimes as (a) crimes against a person; (b) crimes against property; (c) crimes involving a controlled substance; (d) crimes against public order; (e) crimes against public trust; and (f) crimes against public safety. The following is not meant to be definitive, but for purposes of illustrating the broad range of crimes currently considered crimes against public trust and the types of crimes that might be considered to disqualify candidates for public office and some public employment, CRC has compiled the following list of crimes against public trust from the Michigan Judicial Institutes resources. The list is organized by the Michigan Compiled Law (MCL) number. MCL 777.xx are the numbers related to the sentencing guidelines. The felonies listed enumerate the crimes defined in Chapters 1 through 27 of the MCL numbers.

<sup>9</sup> Michigan Judicial Institute. *State of Michigan Sentencing Guidelines Manual*. July 2010.

### Felonies by MCL # Description

#### MCL 777.11a

4. 421 (1)	Lobbyists – compensation contingent on outcome of action
4. 421 (2)	Lobbyists giving gifts
15. 324 (1) (d)	Purchase of public residential property by public servant
18. 1268 (9)	Purposefully submitting false business certification
21. 154	Public officer – embezzlement

#### MCL 777.11b

28. 214	Unauthorized disclosure of information from LEIN – subsequent offense
28. 214 (4) (b)	Unauthorized disclosure of information from LEIN – subsequent offense
28. 734 (2) (b)	Student safety zone violation involving work or loitering -second or subsequent offense
28. 735 (2) (b)	Student safety zone violation involving residency -second or subsequent violation

#### MCL 777.11c

35. 929	Willful falsification in application for veterans benefits
35. 980	False statement in application for Korean veterans benefits
35. 1029	False statement in application for Vietnam veterans benefits
38. 412 a (1)	County employee providing answers to county civil service exam
38. 516	Fire and police civil service – appointment or employment contrary to act
45. 82	County purchasing agent – violations in awarding bids or contracts
47. 8	Payment of claim against county before audit
47. 56	Wayne County treasurer paying claims without appropriate signature
51. 364	Appointment or selection contrary to civil service commission rules
110. 28	Fourth class cities – misappropriation of money or property
117. 25 (3)	Amendment to city electors – willfully affixing another’s signature, false representation

#### MCL 777.11d

168. 731 (4)	Election law – filing certain false statements
168. 734	Election law – election board refusing to provide challenger conveniences
168. 756	Elector’s false statement concerning inability to mark ballot
168. 757	Election inspector – unlawful conduct
168. 759 (8)	Election law – forged signature on absentee ballot
168. 759 b	False statement in application for emergency absentee ballot
168. 761 (5)	Assisting an absentee voter in making a false statement
168. 769 (4)	Voting both in person and by absentee ballot

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## **Felonies by MCL # Description**

168. 792 a (11)	Disclosing how ballot voted or election results early before polls are closed
168. 792 a (16)	Disclosing election result or how ballot voted
168. 808	Untrue statement by member of board of inspectors
168. 873	Misconduct of election employee in recount – county and local
168. 887	Misconduct of election employee in recount
168. 932 (a)	Bribing or intimidating voters
168. 932 (b)	Ballot tampering
168. 932 (c)	Destroying or falsifying election return or records
168. 932 (d)	Disclosing votes or obstructing voter
168. 932 (e)	Absentee ballot tampering
168. 932 (f)	Election law – possess absent voter ballot delivered to another person
168. 932 (g)	Suggesting how a disabled voter should vote
168. 932 (h)	Suggesting or influencing how an absentee voter should vote
168. 932 (i)	Organizing a meeting where absentee voter ballots are to be voted
168. 932 a	Election offenses
168. 933	False swearing to register or vote
168. 936	Election law – perjury
168. 937	Election law – forgery

### **MCL 777.11e**

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169. 254	Campaign finance – corporate contributions
169. 255	Campaign finance – corporate solicitation for certain funds
169. 266	Campaign finance – qualified campaign expenditures

### **MCL 777.12a**

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205. 27 (1) (a)	Failure to file or false tax return or payment
205. 27 (1) (b)	Aiding and abetting tax evasion or filing false returns
205. 27 (1) (c)	Making/permitting false tax returns or payments
205. 27 (3)	False tax returns/perjury
205. 28	Compromising/unauthorized disclosure of tax information
205. 28 (1) (e)	State employee compromising taxes
205. 28 (1) (f)	Unauthorized disclosure of tax information
205. 428 (2)	Tobacco products tax act violations
205. 428 (3)	Illegal sale of cigarettes or other tobacco products with wholesale price of \$250 or ore
205. 428 (6)	Illegal tobacco stamp or tobacco stamp device
205. 428 (7)	Illegal vending machine license, disk, or marker
207. 119	Gasoline or motor fuel tax violation
207. 754 (3)	State treasurer – municipality tax – divulging confidential information

### **MCL 777.12j**

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257. 1353 (2)	Motor vehicle – fail to record material matter – subsequent offense
257. 1354 (2)	Motor vehicle – general violations – subsequent offense
257. 1355	Motor vehicle – fail to record transaction/falsify records

### **MCL 777.12m**

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285. 82	Grain dealers act violations
285. 83	Grain dealers act violations
285. 279	Falsely obtaining money – agricultural land
286. 929 (4)	Organic products act violations
288. 284	Selling falsely branded cheese

### **MCL 777.12n**

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290. 631 (3)	Weights and measures
290. 650 b (3)	Motor fuels violations

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## **Felonies by MCL # Description**

### **MCL 777.13b**

324. 21548 (1) False statement, report, claim, bid, work invoice, or other request for payment

### **MCL 777.13d**

324. 33939 (1) NREPA violation for commercial purposes

### **MCL 777.13f**

324. 61511 False affidavit under NREPA

324. 61521 (1) Evading rule under NREPA

### **MCL 777.13g**

324. 76107 (4) Recovering abandoned property in Great Lakes without permit

### **MCL 777.13k**

333. 2813 (3) Unauthorized disclosure of social security number – subsequent offense

333. 2835 (9) Disclosing confidential information – abortion

333. 5661 Fraud resulting in patient death

### **MCL 777.13m**

333. 16170 (3) False representation – health professional recovery program

333. 20142 (5) False statement – application licensure health facility

333. 21792 Nursing homes – referral fees/bribing officials/accepting bribes

### **MCL 777.13p**

338. 823 Private detective license act violation

338. 1053 Private security business and security alarm act violation

338. 3434 a (2) Unauthorized disclosure of a social security number – subsequent offense

338. 3471 (1) (b) Michigan immigration clerical assistant act violation -subsequent offense

338. 3621 (1) (b) Michigan immigration clerical assistant act violation -subsequent offense

339. 601 (7) (c) Unauthorized operation of a school teaching an occupation causing serious injury/death

339. 735 Unauthorized practice of public accounting

380. 1816 Improper use of bond proceeds

388. 936 Knowingly making false statement – school district loans

388. 962 Knowingly making false statement – school district loans

388. 1237 Making false statement to obtain qualification of school bond issue/improper use of proceeds

388. 1937 Making false statement to obtain qualification of school bond issue/improper use of proceeds

### **MCL 777.14a**

400. 603 Medicaid fraud – false statement in benefit/concealing information

400. 604 Medicaid fraud – kickback/referral fees

400. 605 Medicaid fraud – false statement regarding institutions

400. 607 Medicaid fraud – false claim/medically unnecessary

### **MCL 777.14d**

431. 257 Racing, boxing and exhibition racing

431. 307 (8) Horse racing – testifying falsely to commissioner while under oath

431. 330 (4) Horse racing – administering a drug that could affect racing condition

431. 332 Horse racing – influencing or attempting to influence result of race

### **MCL 777.14g**

440. 9501 Filing a false or fraudulent financing statement with the secretary of state

440. 9501a Filing false affidavit of fraudulent financing statement

442. 219 Sales – false statement

442. 219 False statement in application for license to conduct certain sales

443. 50 Issuing warehouse receipt for goods not received

443. 52 Issuing duplicate warehouse receipt not so marked

444. 13 Warehousemen and warehouse receipts

444. 107 Warehouse certificates – willfully alter or destroy



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## **Felonies by MCL # Description**

### **MCL 777.14h**

445. 1505	Franchise investment law – fraudulent filing/offers
445. 1508	Franchise investment law – sale without proper disclosure
445. 1513	Franchise investment law – illegal offers/sales
445. 1520	Franchise investment law – keeping records
445. 1521	Franchise investment law – false representation
445. 1523	Franchise investment law – false statements of material fact
445. 1525	Franchise investment law – false advertising
445. 1528	Pyramid/chain promotions – offer or sell
445. 1671	Mortgage brokers, lenders – knowingly giving a false statement
445. 1679	Mortgage brokers act – general violations

### **MCL 777.14j**

451. 319	Securities, real estate, and debt management – violation
451. 434	Debt management act – licensee violations
451. 501	Blue sky laws – fraudulent schemes/statements
451. 502	Blue sky laws – investment advisor/agent fraud
451. 503	Blue sky laws – make/sell false bullion/certificates
451. 601	Blue sky laws – unregistered broker/dealer/agent/advisor
451. 603 (h)	Blue sky laws – fail to notify administrator of sanctions
451. 604 (a) (1) (J) - (S)	Blue sky laws – various violations
451. 604 (a) (1) (V) - (Z)	Blue sky laws – various violations
451. 701	Blue sky laws – offer/sell unregistered securities
451. 802	Blue sky laws – unlawfully selling securities
451. 804	Blue sky laws – willful false statements
451. 805 (b)	Blue sky laws – false representation of administrative approval
451. 806 (b)	Blue sky laws – improper disclosure by cor and sec bur employee
451. 2508	Securities act violation

### **MCL 777.14p**

483. 226	Officer of a pipeline company – intent to defraud – stock
487. 1042 (1)	Money transmission -intentional false statement/misrepresentation/certification in record/document
487. 1042 (2)	Criminal fraud in the conduct of money transmission services business
487. 1042 (3)	Money transmission services act license violation
487. 1505 (6)	BIDCO act – knowingly receiving money or property at an interest rate exceeding 25%
492. 137 (a)	Installment sales of motor vehicles
493. 56 a (13)	False statement in reports – secondary mortgage
493. 77 (2)	Regulatory loans
493. 77 (2)	Second mortgage loan act licensing violation

### **MCL 777.15a**

500. 1325 (3)	Insurance code – knowingly misrepresenting false financial condition
500. 1371	Holding companies – violation
500. 1505 (2)	Insurance code – license and regulatory violations
500. 4511 (1)	Insurance code – fraudulent insurance act
500. 4511 (2)	Insurance fraud – agreement or conspiracy to commit
500. 5252 (4)	Insurance – improper personal interest in transactions
500. 7034 (2)	Officer of a MEWA knowingly receive valuables for sale property or loan
500. 8197 (2)	Insurance – knowing or willful false statements in application for insurance

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## **Felonies by MCL # Description**

### **MCL 777.15b**

551. 102 (2)	Unauthorized disclosure of social security number – subsequent offense
565. 827	Land sales act – false or fraudulent statement

### **MCL 777.15d**

600. 908 (8)	Immunity to witness – committing perjury
600. 2136	Library record, book, paper – false certification in court
600. 8713	Revised judicature act – false statement by authorized local officials
600. 8813	Law enforcement officer – knowingly making false statement in a citation

### **MCL 777.15f**

710. 54 (11)	Offer to give other consideration – adoption – subsequent violation
710. 55 (1)	Adoption – persons not authorized placing child – subsequent violation
711. 1 (8)	Intentional false statement in petition for name change

### **MCL 777.16e**

750. 99	Certifying checks without sufficient funds
750. 100	Banks – conducting business when insolvent
750. 101	Violating financial institutions act

### **MCL 777.16f**

750. 117	Bribing a public officer
750. 118	Public officer accepting bribe
750. 119	Bribing a juror or other person
750. 119 (1) (a)	Bribing a juror or other person
750. 119 (1) (b)	Bribing a juror or other person in case punishable by more than 10 years
750. 120	Juror or other person accepting a bribe
750. 121	Bribing a public officer to influence contract
750. 124	Bribing an athlete
750. 157 w (1) (d)	Fraudulently withdrawing or transferring \$20,000 or more with financial transaction device

### **MCL 777.16i**

750. 175	Embezzlement by public official over \$50
750. 176	Embezzlement by administrator/executor/guardian
750. 182 a	Falsifying school records

### **MCL 777.16o**

750. 277	Promise to vendee of grain to sell at a fictitious price – sale and transfer
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### **MCL 777.16t**

750. 411 b	Excess fees to members of legislature
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### **MCL 777.16v**

750. 422	Perjury committed in court/noncapital crime
750. 422	Perjury committed in court – noncapital crime
750. 422	Perjury – committed in court/capital crime
750. 422	Perjury committed in court – capital crime
750. 422 a	Material false statement in petition seeking review of DNA evidence
750. 423	Perjury
750. 423	Perjury by falsely swearing
750. 424	Subornation of perjury
750. 424	Subornation of perjury
750. 425	Inciting or procuring perjury
750. 425	Inciting or procuring perjury but perjury not committed

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## **Felonies by MCL # Description**

### **MCL 777.16x**

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750. 480	Public officers – refusing to turn over books/money to successor
750. 488	Public officers – state official – retaining fees
750. 490	Public money – safekeeping
750. 491	Public records – removal/mutilation/destruction
750. 492 a (1) (a)	Medical record – intentional[ly] place false information – health care provider
750. 492 a (2)	Medical record – health care provider alter conceal injury/death
750. 492 a (2)	Medical record – health care provider -altering to conceal injury/death

### **MCL 777.17f**

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764. 1 e	Peace officer – false statement in a complaint
767. 4 a	Disclosing or possessing grand jury information
767A. 9 (a)	Perjury committed in prosecutor’s investigative hearing – noncapital crime
767A. 9 (1) (a)	Perjury committed in prosecutor’s investigative hearing – noncapital crime
767A. 9 (b)	Perjury committed in prosecutor’s investigative hearing – capital crime
767A. 9 (1) (b)	Perjury committed in prosecutor’s investigative hearing – capital crime