

Legislative Analysis



REVISIONS & REPEALS OF OUTDATED LAWS

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House Bill 4709 as introduced
Sponsor: Rep. John Bizon, M.D.

Analysis available at
<http://www.legislature.mi.gov>

House Bill 4710 as introduced
Sponsor: Rep. Andrea LaFontaine

House Bill 4711 as introduced
Sponsor: Rep. Michael Webber

House Bill 4501 as introduced
Sponsor: Rep. Kurt Heise

Committee: Criminal Justice
Revised as of 6-23-15

SUMMARY:

The bills would amend various acts to update or eliminate existing provisions of law considered outdated. House Bills 4709-4711 would each take effect 90 days after enactment.

House Bill 4709 amends the Michigan Penal Code (750.347). Currently, it is a misdemeanor offense for a doctor or other person to expose or keep on exhibition any deformed human being or human monstrosity; an exception is made for scientific purposes before members of the medical profession or medical classes. The bill would revise the provision to instead specify that a physician or other person who exposes or exhibits any human being who is disabled or disfigured would be guilty of a misdemeanor punishable by imprisonment for not more than 90 days and/or a fine of not more than \$500 (underlining denotes proposed changes). The exception for presentations before medical professionals or medical classes would be retained.

The bill deletes a provision making it a misdemeanor to expose or exhibit in museums or elsewhere, diseased or deformed human bodies or human parts, or representations of the same, considered to be indecent in the case of a living person, except as used for scientific purposes before members of the medical profession or medical classes.

House Bill 4710 amends the Natural Resources and Environmental Protection Act (MCL 324.74206). Currently, when camping on state grounds under the jurisdiction of the Department of Natural Resources (but other than at state campgrounds, parks, or recreation areas), a person must post a registration card at the campsite for the duration of the stay, include the names and addresses of all persons occupying the campsite, and properly dispose of any rubbish when camp is broken. A violation is a misdemeanor punishable by imprisonment for not more than 90 days and/or a fine of not more than \$100 and costs of prosecution.

The bill would change the penalty for a violation to a state civil infraction and allow the imposition of a civil fine not to exceed \$500. As is currently, the person could be liable for costs incurred by the department to clean up the campsite.

House Bill 4711 would do the following:

- ❖ Amend Chapter IX of the Code of Criminal Procedure (Judgment and Sentence) to eliminate an obsolete provision requiring a prisoner to be held in a state correctional facility until any fines and costs imposed as part of the sentence are repaid in full (MCL 769.5).
- ❖ Amend the same chapter to repeal a provision allowing a court to order that a person sentenced to a state correctional facility or county jail be kept in solitary confinement and/or at hard labor (MCL 769.2).
- ❖ Repeal the Rebuilt Electric Storage Batteries Act, which prohibits rebuilding or assembling an electric storage battery from used materials and then selling the product without the word "rebuilt" branded onto the side of the container. A violation is a misdemeanor punishable by a maximum term of imprisonment of 90 days and/or a fine of not more than \$100 (MCL 752.131 and 752.132).
- ❖ Repeal a provision within Chapter 171 of the Revised Statutes of 1846 (Of County Jails and the Regulation Thereof) requiring—when a prisoner is sentenced to hard labor—the keepers of the facility to keep the prisoner constantly employed everyday but Sunday, and to annually account to the county board of supervisors for the proceeds of that labor (MCL 801.9)

House Bill 4501 amends a section within the sentencing guidelines portion of the Code of Criminal Procedure (MCL 777.12m). The sentencing guidelines contain the statutory maximum years of imprisonment that can be imposed for a conviction of a felony offense, as well as a reference to the underlying felony offense, a description of that offense, the category of the offense (e.g., property), and the felony class (e.g., Class A).

The bill deletes a reference to the maximum term of imprisonment for a felony violation of the John C. Hertel Toxic Substance Control Commission Act. The bill also deletes a reference to the maximum term of imprisonment imposed for willfully or maliciously making a derogatory statement about the financial condition of a bank. The bill is tie-barred to House Bill 4248, meaning that neither bill may take effect without the other also being enacted. [House Bill 4248, proposed Substitute H-1, would repeal numerous provisions of law—including repealing the John C. Hertel Toxic Substance Control Commission Act and the provision pertaining to the financial condition of banking institutions.]

FISCAL IMPACT:

House Bill 4709

The bill would increase costs on local correctional systems depending on the number of convictions. New misdemeanor convictions would increase costs related to county jails and/or local misdemeanor probation supervision. The costs of local incarceration in a

county jail and local misdemeanor probation supervision vary by jurisdiction. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally-designated recipients of those revenues. Also, the bill would have an indeterminate fiscal impact on the judiciary and local court funding units. The fiscal impact would depend on how the provisions of the bill affected caseloads and related administrative costs.

House Bill 4710

The bill would have an indeterminate fiscal impact on the state and local units of government and would depend on the number of convictions. Changing conviction penalty from a misdemeanor to a state civil infraction would eliminate costs for local corrections systems (county jails/probation supervision). Misdemeanor penalties result in a \$50 assessment, directed to the Justice System Fund. Civil infraction penalties result in a \$10 assessment, directed to the Justice System Fund. Therefore, revenues going to the Justice System Fund would be reduced. These revenues support various justice-related endeavors in the judicial branch, and the Departments of State Police, Corrections, and Health and Human Services. Increases in applicable fines would benefit local libraries, which are the constitutionally designated recipients of such revenues. Also, the bill would have an indeterminate fiscal impact on the judiciary and local court funding units. The fiscal impact would depend on how the provisions of the bill affected caseloads and related administrative costs.

House Bill 4711

Depending on the number of people that were actually charged under the provision being repealed regarding the sale of improperly marked rebuilt batteries, the bill could result in a decrease in costs for local units of government related to county jails and/or local misdemeanor probation supervision. The costs of local incarceration in county jails and local misdemeanor probation supervision vary by jurisdiction. There could also be a decrease in penal fine revenues which would decrease funding for local libraries, which are the constitutionally-designated recipients of those revenues. The other provisions proposed to be repealed by the bill are currently considered obsolete, not enforced, and therefore would not have a fiscal impact on state or local governments if repealed.

House Bill 4501

The bill would not have a fiscal impact on state or local government.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.