



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 976 (Substitute S-1 as reported)
House Bill 5442 (Substitute S-1 as reported)
House Bill 5567 (Substitute S-1 as reported)
Sponsor: Senator Mike Nofs (S.B. 976)
Representative Brandt Iden (H.B. 5442)
Representative David C. Maturen (H.B. 5567)
Senate Committee: Judiciary
House Committee: Communications and Technology (H.B. 5442 & 5567)

CONTENT

House Bill 5442 (S-1) would create the "Public Threat Alert System Act" to do the following:

- Require the Michigan Department of State Police (MSP) to establish and maintain a public threat alert system plan.
- Require the alert system plan to disseminate information rapidly to radio and television stations and to wireless devices through the existing wireless emergency alert system operated under Federal law.
- Require the plan to be activated only according to policies established by the MSP.

The bill also would prohibit a person from intentionally making a false report of a public threat, or intentionally causing a false report of a public threat to be made, to a peace officer, police agency of the State or a local unit, 9-1-1 operator, or any other governmental employee or contractor, or employee of a contractor, who was authorized to receive the report, knowing the report to be false. A violation would be a felony punishable by up to four years' imprisonment, a maximum fine of \$2,000, or both. The court also could order the person to pay the State or a local unit of government, and the media, the cost of responding to a false report.

House Bill 5567 (S-1) would amend the Code of Criminal Procedure to authorize a sentencing court to order an offender to reimburse the State or a local unit for expenses incurred in relation to an intentional false report of a public threat.

Senate Bill 976 (S-1) would amend the Code of Criminal Procedure to include in the sentencing guidelines making a false report of a public threat. A violation would be a Class F public safety felony with a statutory maximum sentence of four years' imprisonment.

The bills are tie-barred and each would take effect 90 days after its enactment.

MCL 777.11b (S.B. 976)
769.1f (H.B. 5567)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

House Bill 5442 (S-1) would have a minimal fiscal impact on the Department of State Police. New responsibilities, which could include the development and maintenance of the Public Threat Alert System and adjustments to information technology systems, would have

essentially a neutral fiscal impact on the MSP's Special Operations Division and would be assumed within current existing resources, according to the Department.

The bill's felony provision would have a negative fiscal impact on State and local government. An increase in felony prosecutions and convictions could increase resource demands on local court systems, law enforcement, and prisons. For any increase in prison intakes, in the short term, the marginal cost to State government would be approximately \$3,764 per prisoner per year. In the long term, if the increased intake of prisoners increased the total prisoner population enough to require the Department of Corrections to open a housing unit or an entire facility, the marginal cost to State government would be approximately \$34,550 per prisoner per year. Any increase in fine revenue would be dedicated to public libraries.

House Bill 5567 (S-1), along with the corresponding provision of House Bill 5442 (S-1), would likely have a positive fiscal impact on State and local government. The size of impact would be determined by how many individuals would be convicted of making a false report of a public threat, the cost of responding to those reports, and the amount of restitution ultimately paid by each defendant.

Senate Bill 976 (S-1) would have no fiscal impact on local government and an indeterminate fiscal impact on the State, in light of the Michigan Supreme Court's July 2015 opinion in *People v. Lockridge* (in which the Court struck down portions of the sentencing guidelines law). According to one interpretation of that decision, the sentencing guidelines are advisory for all cases. This means that the addition to the guidelines under the bill would not be compulsory for the sentencing judge. As penalties for felony convictions vary, the fiscal impact of any given felony conviction would depend on judicial decisions.

Date Completed: 5-26-16

Fiscal Analyst: Bruce Baker
Ryan Bergan

Floor'sb976

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.