

HOSPITALS AND PHARMACIES: REPORTING SUSPECTED ARSON

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Senate Bill 696 (passed by the Senate as S-2)
Sponsor: Sen. Bert Johnson
House Committee: Insurance
Senate Committee: Judiciary
Complete to 4-29-16

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

SUMMARY:

The bill would amend Section 411 of the Michigan Penal Code, generally speaking, to require hospitals and pharmacies to report immediately suspicions of arson to fire or arson investigators, or, in some cases, county sheriffs.

This would apply when hospitals and pharmacies come into contact with an individual with a burn injury and (1) there is evidence that a fire accelerant was used in the incident causing the burns and there is a reasonable suspicion that the person suffering from the injury committed arson; or (2) an interview with the person creates a reasonable suspicion that the injured person committed arson.

The report to law enforcement would have to state the name and residence of the individual suffering from the burn injury, if known; the individual's whereabouts; and the cause, character, and extent of the injuries. It could also identify the perpetrator, if known.

Specifically, the bill applies to a person, firm, or corporation operating a hospital or pharmacy in the state, the person managing or in charge of a hospital or a pharmacy, or the person in charge of a ward or part of a hospital to which a person comes or is brought suffering from a burn injury. They would have a duty to report that fact immediately, both by telephone and in writing, to the arson or fire investigation unit of the village or city where the hospital or pharmacy is located, or to the county sheriff if the hospital or pharmacy is located outside the incorporated limits of a village or city. The duty to report would apply in the two instances cited earlier.

Currently, this section of the Penal Code (MCL 750.411) requires the same kind of reporting of wounds or other injuries inflicted by means of a knife, gun, pistol, or other deadly weapon, or by other means of violence. It provides immunity from civil or criminal liability for cooperating with an investigation in good faith. It also says that physician-patient and health professional-patient privileges are not valid reasons for a failure to comply.

A violation of the requirements in this section is a misdemeanor; this would also apply to the provisions of Senate Bill 696. The bill would take effect 90 days after being enacted.

FISCAL IMPACT:

To the extent that the bill results in a greater number of arrests and convictions, it could increase costs on local correctional and court systems. New misdemeanor convictions could 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. Increased costs for courts would depend on how the provisions of the bill affected caseloads and related administrative costs. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally-designated recipients of those revenues.

Legislative Analyst: Chris Couch
Fiscal Analyst: Robin Risko

■ 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.