



Senate Fiscal Agency
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Senate Bill 484 (as introduced 5-25-21)
Sponsor: Senator Marshall Bullock
Committee: Judiciary and Public Safety

Date Completed: 5-26-21

CONTENT

The bill would amend the Michigan Penal Code to prohibit a person from knowingly or intentionally failing to activate a body-worn camera for law enforcement purposes to interfere with a present or future official proceeding or an internal law enforcement investigation.

Specifically, the bill would prohibit a person from knowingly or intentionally failing to activate a body-worn camera for law enforcement purposes and that failure interfered with a present or future official proceeding or an internal law enforcement investigation. A person who violated this provision would be guilty of a misdemeanor punishable by up to 90 days' imprisonment or a maximum fine of \$500, or both. (The Code defines "official proceeding" as a proceeding heard before a legislative, judicial, administrative, or other governmental agency or official authorized to hear evidence under oath, including a referee, prosecuting attorney, hearing examiner, commissioner, notary, or other person taking testimony or deposition in that proceeding.)

The Code specifies that a person may not knowingly and intentionally remove, alter, conceal, destroy, or otherwise tamper with evidence to be offered in a present or future official proceeding. A person who violates this provision is guilty of a crime as follows:

- Except as otherwise provided, the person is guilty of a felony punishable by up to four years' imprisonment or a maximum fine of \$5,000, or both.
- If the violation is committed in a criminal case for which the maximum term of imprisonment for the violation is more than 10 years, or the violation is punishable by imprisonment for life of any term of years, the person is guilty of a felony punishable by up to 10 years' imprisonment or a maximum fine of \$20,000, or both.

Under the bill, as used in the provision described above, evidence would include a digital image or video audio recording from a body worn camera for law enforcement purposes.

MCL 750.483a

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill would have no direct fiscal impact on State or local law enforcement, but could require training of law enforcement both internally within local law enforcement agencies and by the Michigan Commission on Law Enforcement Standards for the purpose of informing law enforcement agencies of the amendments to statute controlling law enforcement officer conduct.

The bill's criminal penalties could have a negative fiscal impact on State and local government. Violations of the bill would be punishable as misdemeanors and felonies of varying severity. More misdemeanor and felony arrests and convictions could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. The average cost to State government for felony probation supervision is approximately \$3,400 per probationer per year. For any increase in prison intakes, in the short term, the marginal cost to State government would be approximately \$5,800 per prisoner per year. Any associated increase in fine revenue would increase funding to public libraries.

Fiscal Analyst: Bruce Baker
Joe Carrasco

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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.