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ATHLETE AGENTS: PROHIBIT TRESPASSING ON COLLEGE AND UNIVERSITY GROUNDS

House Bills 5861 and 5862
Sponsor: Rep. Kirk Profit
Committee: Colleges and Universities

Complete to 6-16-98

A SUMMARY OF HOUSE BILLS 5861 AND 5862 AS INTRODUCED 5-14-98

The bills would make trespassing on the grounds of a college or university in the state by an athlete agent a misdemeanor. Specifically, the bills would do the following:

House Bill 5861. Currently, the Michigan Penal Code (MCL 750.411e) prohibits an athlete agent from inducing “a student athlete to enter into an agent contract or professional sport services contract before the student athlete’s eligibility for collegiate athletics expires” or to give, offer, or promise anything of value to an employee of a college or university in return for the referral of a student athlete by that employee. A violator is guilty of a misdemeanor. Fines can range from up to \$50,000 or three times the amount given, offered, or promised as an inducement to a student athlete, or three times the value of the agreement entered into with a college or university employee, whichever is greater. In addition, the agent could be sentenced to a year in jail in lieu of a fine, or receive both.

The bill would amend the code by adding that interfering or attempting to interfere with the prospective advantage accorded an institution of higher education by virtue of its relationship with an intercollegiate athletics governing organization by promising or providing any improper gift or service to a student athlete, a prospective student athlete, or the immediate family of a student athlete or of a prospective student athlete would also be considered a prohibited act on the part of an athlete agent. “Improper gift or service” would be defined as any gift or service that student athletes are prohibited from accepting according to the rules of the college or university. “Prospective student athlete” would mean an individual who was being recruited to be a student athlete. “Institution of higher education” is currently defined under the code as either a public or private college or university. (The bill would not define “prospective advantage.”) The penalty for a violation of the bill would be the same as for other prohibited acts by athlete agents.

The bill would also add that an athlete agent who willfully trespassed by entering or remaining on the property of a college or university without that institution’s authority or permission would be guilty of a misdemeanor punishable by imprisonment for up to one year or a fine up to \$50,000, or both.

House Bill 5862 would amend Public Act 80 of 1905 (MCL 19.142), which regulates the “care, order, and preservation of buildings or property dedicated and appropriated to the public use and the conduct of those coming upon the property thereof”, to specify that trespass on public

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colleges and universities would be governed under the new section of the Michigan Penal Code proposed by House Bill 5861.

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