

Legislative Analysis



UNAUTHORIZED ENTRY OF A SCHOOL BUS

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

House Bill 5038 as referred to second committee
Sponsor: Rep. Jack O'Malley

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

House Bill 5039 as referred
Sponsor: Rep. Daire Rendon

House Bill 5040 as referred
Sponsor: Rep. Jewell Jones

1st Committee: Military, Veterans and Homeland Security
2nd Committee: Judiciary
Complete to 4-23-20

SUMMARY:

Taken together, the bills would amend the Pupil Transportation Act and Code of Criminal Procedure to prohibit unauthorized individuals from entering a school bus without the driver's permission and to allow school buses to have stickers alerting people to this prohibition.

House Bill 5038 would amend the Pupil Transportation Act to prohibit an individual from entering a school bus without the permission of the school bus driver. The prohibition would not apply to students, preschoolers, teachers or chaperones of students, or those authorized to protect property or the health, safety, and welfare of students or others. A violation would be a misdemeanor punishable by imprisonment for up to 93 days or a fine of up to \$100, or both.

The bill would also prohibit an individual from entering a school bus with the intent to do bodily harm. A violation would be a felony punishable by imprisonment for up to one year or a fine of up to \$500, or both.

The bill would take effect 90 days after its enactment.

MCL 257.1859

House Bill 5039 would amend the Code of Criminal Procedure to add entering a school bus with intent to do bodily harm to the sentencing guidelines chapter of that act as a class H crime against a person with a statutory maximum of imprisonment for one year.

MCL 777.12j

House Bill 5039 is tie-barred to HB 5038, which means that it could not take effect unless HB 5038 were also enacted.

House Bill 5040 would amend the Pupil Transportation Act to allow a sticker to be affixed to the side of a school bus that reads as follows:

An unauthorized person attempting to board or boarding this school bus is subject to arrest and prosecution.

The sticker would have to be affixed on the left side of the service door between the bottom of the window and the black rub rails. (The arrow on the image below indicates the approximate proposed location of the sticker.)

MCL 257.1833



FISCAL IMPACT:

House Bill 5038 would have an indeterminate fiscal impact on the state and on local units of government. The number of convictions that would result under provisions of the bill is not known. Violations could be either misdemeanors or felonies, depending on the circumstances. New misdemeanor convictions would increase costs related to county jails and/or local misdemeanor probation supervision. Costs of local incarceration in county jails and local misdemeanor probation supervision, and how those costs are financed, vary by jurisdiction. New felony convictions would result in increased costs related to state prisons and state probation supervision. In fiscal year 2018, the average cost of prison incarceration in a state facility was roughly \$38,000 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$3,700 per supervised offender in the same year. Those costs are financed with state general fund/general purpose revenue. The fiscal impact on local court systems would depend on how provisions of the bill affected caseloads and related administrative costs. Increased costs could be offset, to some degree, depending on the amount of additional court-imposed fee revenue generated. Any increase in penal fine revenue would increase funding for local libraries, which are the constitutionally designated recipients of those revenues.

House Bill 5039 is a companion bill to HB 5038 and amends sentencing guidelines. The bill would not have a direct fiscal impact on the state or local units of government.

House Bill 5040 would have no direct fiscal impact on state or local government.

POSITIONS:

A representative of AFSCME Local 25 testified in support of the bills. (12-3-19)

The following organizations indicated support for the bills (12-3-19):

Michigan Association of Pupil Transportation

Michigan Education Association

Michigan Fraternal Order of Police

Legislative Analyst: E. Best
Fiscal Analysts: Robin Risko
William E. Hamilton

■ 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.