

Legislative Analysis



BODY-WORN CAMERA DEACTIVATION AND EVIDENCE

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

House Bills 6113 and 6114 as introduced

Sponsor: Rep. Kristian Grant

Committee: Criminal Justice

Complete to 12-10-24

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

SUMMARY:

House Bill 6113 would amend the Michigan Penal Code to prohibit both of the following:

- Knowingly and intentionally failing to activate a body-worn camera used for law enforcement purposes if that failure interferes with a present or future official proceeding or an internal law enforcement investigation. A violation would be a misdemeanor punishable by imprisonment for up to 90 days, a fine of up to \$500, or both.
- Knowingly and intentionally deactivating a body-worn camera used for law enforcement purposes while using excessive force. A violation would be a felony punishable by imprisonment for up to two years, a fine of up to \$1,000, or both.

In addition, the code now prohibits knowingly and intentionally removing, altering, concealing, destroying, or otherwise tampering with evidence to be offered in a present or future official proceeding. The bill would specify that, for purposes of this provision, “evidence” includes a digital image or video or audio recording from a body-worn camera used for law enforcement purposes.

Under both current law and the bill, tampering with evidence is a felony punishable by imprisonment for up to four years, a fine of up to \$5,000, or both. A violation that occurs in the context of a criminal case for a violation with a maximum term of imprisonment of more than 10 years (or that is punishable by imprisonment for life or any term of years) is a felony punishable by imprisonment for up to 10 years, a fine of up to \$20,000, or both.

MCL 750.483a

House Bill 6114 would amend the Code of Criminal Procedure to add the felony proposed by House Bill 6113 to the sentencing guidelines. The intentional deactivation of a body-worn camera used for law enforcement purposes while using excessive force would be a Class G crime against a person with a statutory maximum term of imprisonment of two years.

The bill cannot take effect unless House Bill 6113 is also enacted.

MCL 777.16x

Each bill would take effect 90 days after being enacted.

FISCAL IMPACT:

House Bill 6113 would have an indeterminate fiscal impact on the state and on local units of government. The number of individuals that would be convicted of a misdemeanor because of knowingly and intentionally failing to activate a body-worn camera used for law enforcement purposes, or the number of individuals that would be convicted of a felony because of knowingly and intentionally failing to deactivate a body-worn camera used for law enforcement purposes while using excessive force, is unknown. 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 2023, the average cost of prison incarceration in a state facility was roughly \$48,700 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$5,400 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 court caseloads and related administrative costs. It is difficult to project the actual fiscal impact to courts due to variables such as law enforcement practices, prosecutorial practices, judicial discretion, case types, and complexity of cases. Any increase in penal fine revenue would increase funding for public and county law libraries, which are the constitutionally designated recipients of those revenues.

House Bill 6114 is a companion bill to House Bill 6113 and would amend the sentencing guidelines chapter of the Code of Criminal Procedure to include the new felony of intentionally deactivating a body-worn camera used for law enforcement purposes while using excessive force as Class G felony against a person punishable by a statutory maximum of two years. The bill would not have a direct fiscal impact on the state or on local units of government.

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■ 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.