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Senate Bills 1095 and 1096 (as reported without amendment)
Sponsor: Senator Sylvia Santana
Committee: Civil Rights, Judiciary, and Public Safety

CONTENT

Senate Bill 1095 would amend the Michigan Penal Code do the following:

- Prohibit a person from tampering with a body-camera recording that could be used in an official proceeding.
- Prohibit a person from knowingly and intentionally failing to activate a body-worn camera used for law enforcement purposes if the failure interfered with a present or future official proceeding or internal law enforcement investigation.
- Prohibit a person from knowingly and intentionally deactivating a body-worn camera used for law enforcement purposes while using excessive force.
- Prescribe misdemeanor and felony penalties for violations of the bill's provisions.

Senate Bill 1096 would amend the sentencing guidelines in the Code of Criminal Procedure to include the felony penalty proposed by Senate Bill 1095 for intentionally deactivating a body-worn camera used for law enforcement purposes while using excessive force. A violation would be a Class G felony against a person punishable by up to two years' imprisonment.

Senate Bill 1096 is tie-barred to Senate Bill 1095. Each bill would take effect 90 days after its enactment.

MCL 750.483a

BRIEF RATIONALE

Body-worn cameras record the interactions of law enforcement officers and include video and audio recordings. According to testimony before the Senate Committee on Civil Rights, Judiciary, and Public Safety, transparency over law enforcement officers' actions in the community increase the public trust and prevent the use of excessive force and abuse of power. Some people believe that body-worn cameras are a tool for improving transparency, and so the bills would prescribe requirements for law enforcement's use of body cameras.

Legislative Analyst: Eleni Lionas

FISCAL IMPACT

Senate Bill 1095

The bill's criminal penalties could have a negative fiscal impact on the State and local government. Violations of the bill would be punishable as misdemeanors and felonies of different severity. More misdemeanor and felony arrests and convictions could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. Misdemeanor convictions could increase county jail and local probation supervision costs, which vary by jurisdiction and are thus indeterminate. Based on 2023 data, the average cost to State government for felony probation supervision is approximately

\$4,600 per probationer per year. For any increase in prison intakes the average annual cost of housing a prisoner in a State correctional facility is an estimated \$48,700. Per diem rates range from \$100 to \$431 per day (average per diem is \$135), depending on the security level of the facility. Additionally, any associated fine revenue would increase funding to public libraries.

Senate Bill 1096

The bill would have no fiscal impact on local government and an indeterminate fiscal impact on the State, in light of the Michigan Supreme Court's July 2015 opinion in *People v. Lockridge*, in which the Court ruled that the sentencing guidelines are advisory for all cases. This means that the addition to the guidelines under the bill would not be compulsory for the sentencing judge. As penalties for felony convictions vary, the fiscal impact of any given felony conviction depends on judicial decisions.

Date Completed: 12-10-24

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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.