

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bills 633, 634, and 635 (as introduced 6-8-99)
Sponsor: Senator William Van Regenmorter (Senate Bills 633 & 634)
Senator Dale L. Shugars (Senate Bill 635)
Committee: Judiciary

Date Completed: 9-22-99

CONTENT

Senate Bill 633 would amend the Michigan Penal Code and Senate Bills 634 and 635 would amend the Code of Criminal Procedure, to revise the penalties for falsely reporting a felony and falsely reporting a criminal offense involving a bombing or threat to bomb; authorize court-ordered recovery of costs to the State and local units of government for falsely reported crimes; and revise the sentencing guidelines provisions relating to false reports of crimes.

Senate Bill 634 is tie-barred to Senate Bill 633.

Senate Bill 633

Revised Penalties

The Penal Code prohibits a person from intentionally making a false report of the commission of a crime to a member of the Michigan State Police, a sheriff or deputy sheriff, a local police officer, or any other Michigan peace officer, knowing the report to be false. A false report of a misdemeanor is a misdemeanor punishable by up to 93 days' imprisonment, a maximum fine of \$100, or both. A false report of a felony is a felony, punishable by the penalty for the falsely reported crime or up to four years' imprisonment and/or a maximum fine of \$2,000, whichever is less. The bill would retain the penalty for a falsely reported misdemeanor and delete the first sentencing option for a falsely reported felony, so that a false report of a felony would be a felony punishable by up to four years' imprisonment, a maximum fine of \$2,000, or both.

Currently, if a false report of a crime that relates to a bombing, attempted bombing, or threat to bomb is intentionally communicated to a peace officer or any other person, and the person reporting the crime knows the report to be false, the offense is a "crime" punishable by the penalty for the falsely reported crime or up to four years' imprisonment and/or a maximum fine of \$2,000, whichever is less. This applies regardless of whether the falsely reported crime is a misdemeanor or felony.

The bill would classify falsely reporting a crime that relates to a bombing, attempted bombing, or threat to bomb as a felony, delete the first sentencing option, and add an enhanced penalty for a second or subsequent offense. Under the bill, a first offense would be a felony punishable by up to four years' imprisonment, a maximum fine of \$2,000, or both. A second or subsequent offense would be a felony punishable by up to 10 years' imprisonment, a maximum fine of \$5,000, or both.

Cost Recovery

The bill specifies that a court could order a person convicted of falsely reporting a crime to pay to the local unit of government the costs of responding to the false report including, but not limited to, use of police or fire emergency response vehicles and teams. The court could not order a person to pay costs of more than \$2,500 under this provision.

Senate Bill 634

Currently, the sentencing guidelines provisions of the Code of Criminal Procedure classify falsely reporting a bombing or threat to bomb as a Class F felony against the public order, with a statutory maximum sentence of four years' imprisonment. The bill would retain that classification for a first offense. A subsequent offense would be classified as a Class D felony against the public order, with a statutory maximum sentence of 10 years' imprisonment, as proposed by Senate Bill 633.

Senate Bill 634 also would add to the sentencing guidelines provisions the felony of aggravated stalking. Under the bill, that offense would be classified as a Class E felony against a person, with a statutory maximum sentence of five years' imprisonment.

Senate Bill 635

The Code of Criminal Procedure lists offenses for which, as part of a sentence, a court may order the offender to reimburse the State or a local unit of government for expenses incurred in relation to that incident, including but not limited to expenses for an emergency response and expenses for prosecuting the offender. The bill would add to that list of offenses falsely reporting a crime related to bombing, attempted bombing, or threat to bomb (MCL 750.411a).

MCL 750.411a (S.B. 633)
777.16t (S.B. 634)
769.1f (S.B. 635)

Legislative Analyst: P. Affholter

FISCAL IMPACT

Senate Bills 633 and 634 would have an indeterminate fiscal impact on State government.

Senate Bill 633 would provide for a maximum prison term of four years or a fine of \$2,000 or both for a first offense and a maximum prison term of 10 years or a fine of \$5,000 or both for a subsequent offense, if the offense were a false report of a bombing, an attempted bombing, or a threat to bomb. In 1997, three people were committed to prison for falsely reporting a crime with an average minimum sentence of 1.3 years. However, there are no data available to determine if these individuals had committed a prior offense.

Assuming that each year three offenders are incarcerated for this offenses with an average minimum sentence of 1.3 years, costs for incarceration would be about \$85,800 annually. Under the bill, if one of the offenders each year were a second-time offender and the judge sentenced the offender to a minimum sentence that was two-thirds of the maximum, the offender would serve 6.7 years and the cost for incarceration would increase to \$204,600 annually.

Additionally, in 1997, there were 43 offenders committed to prison for aggravated stalking with an average minimum sentence of 2.2 years. Given that the sentencing grid for Class E offenses ranges from 0-3 months to 24-38 months, offenders, depending on their score on offense variables and prior record variables, would be subject to the same average length of sentence resulting in no additional cost to State government.

Senate Bill 633 also would allow a court to require a person to pay up to \$2,500 to a local unit of government for the costs of responding to a false report. Senate Bill 635 would allow a court to order a person to reimburse the State or a local unit for the expenses related to a false report of a crime involving bombing, attempted bombing, or threat to bomb.

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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.