

Senate Fiscal Agency  
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**SFA**



**BILL ANALYSIS**

Telephone: (517) 373-5383  
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Senate Bills 1020, 1026, and 1027 (as enrolled)  
Senate Bills 1032, 1034, and 1035 (as enrolled)  
Senate Bills 1037 through 1040 (as enrolled)

**PUBLIC ACTS 582, 252, & 211 of 2002**  
**PUBLIC ACTS 210, 260, & 261 of 2002**  
**PUBLIC ACTS 262, 290, 291 & 292 of 2002**

Senate Bills 1042 and 1043 (as enrolled)

**PUBLIC ACTS 293 & 320 of 2002**

Sponsor: Senator Dianne Byrum (Senate Bill 1020)

Senator Thaddeus G. McCotter (Senate Bills 1026, 1027, 1032, 1034, & 1035)

Senator Don Koivisto (Senate Bill 1037)

Senator Christopher D. Dingell (Senate Bills 1038-1040, 1042, & 1043)

Senate Committee: Government Operations

House Committee: Commerce (Senate Bill 1020)

Criminal Justice (Senate Bills 1026, 1027, 1032, 1034, 1035, & 1037-1040)

Date Completed: 3-4-03

## **RATIONALE**

The Senate Law Revision Task Force was established in June 1999 and asked to review existing State statutes and recommend the repeal or amendment of those laws that were found to be arcane and/or irrelevant to present-day life in Michigan. To identify such laws, the Task Force sought the input of the public, the law enforcement community, and various legal associations and entities, including the Michigan Law Revision Commission, the State Bar of Michigan, legislators, judges, and prosecutors. After review, the Task Force issued a report in December 1999, recommending that various laws or sections of laws be repealed, eliminated, or modified.

wholesalers and retailers of those products, and made a violation a misdemeanor.

Senate Bill 1027 repealed Section 41 of the Penal Code, which made it a misdemeanor for a person to sell, lend, give away, show, or possess any publication of criminal news, police reports, accounts of criminal deeds, or stories of bloodshed, lust, or crime.

Senate Bill 1032 repealed Section 409 of the Penal Code, which made it a misdemeanor to taunt or otherwise accuse another of having been a convict or inmate.

Senate Bills 1034 and 1035 amended the Penal Code and the Code of Criminal Procedure, respectively, to remove penalty provisions for inciting Indians to violate a peace treaty or U.S. law. Under Section 348 of the Penal Code, it was a felony to incite or attempt to incite any Indian nation, tribe, chief, or individual to violate any peace treaty, disturb the peace, or violate any law of the United States. Senate Bill 1034 repealed Section 348. Under the sentencing guidelines in the Code of Criminal Procedure, a violation of Section 348 of the Penal Code was a class H offense against public safety, with a four-year statutory maximum sentence. Senate Bill 1035 deleted this provision.

Senate Bill 1037 repealed Section 494 of the Michigan Penal Code, which made it a misdemeanor for a person to operate a sleigh or cutter in the Upper Peninsula unless the vehicle and at least one of the animals drawing it had bells attached.

## **CONTENT**

**The bills repealed various acts or deleted parts of acts, as described below.**

Senate Bill 1020 amended Public Act 213 of 1962 (which governs the raising of started pullets) to repeal a section that authorized the Director of the Michigan Department of Agriculture to promulgate rules and regulations setting forth the sanitary conditions and other disease control requirements under which certified started pullets had to be grown and handled; and required the Director to establish fees, including 20% above actual costs, necessary to carry out the Act.

Senate Bill 1026 repealed Section 502 of the Michigan Penal Code, which governed the handling of gasoline, benzene, and naphtha by

Senate Bill 1038 repealed Section 517 of the Penal Code, which made it a felony, punishable by imprisonment for life or any term of years, to enter upon a railroad train, passenger car, mail car, or express car, with intent to rob the train, car, passengers, or employees, by means of intimidation or by threat of life to the passengers or employees.

Senate Bill 1039 repealed Section 516 of the Penal Code, which made it a felony, punishable by imprisonment for life or any term of years, to stop a railroad train, detach one part of a train from another, or compel an engineer or fireman to run a train contrary to his or her general order, for the purpose of wrecking or robbing the train or its passengers or employees, with intimidation or threat of life with firearms, dynamite, or other dangerous devices.

Senate Bill 1040 repealed Section 514 of the Penal Code, which made it a felony, punishable by imprisonment for up to 10 years or a maximum fine of \$5,000, to seize a locomotive that had an attached express or mail car, and run away with it upon a railroad.

Senate Bill 1042 repealed Section 513 of the Penal Code, which made it a felony, punishable by imprisonment for up to 10 years or a maximum fine of \$5,000, to make or issue any unauthorized or fraudulent certificate of stock, bond, or obligation of a railroad company.

Senate Bill 1043 amended the Code of Criminal Procedure to delete provisions under which a violation of Section 513 or 514 of the Penal Code was a Class H property offense subject to a statutory maximum of 10 years' imprisonment, and a violation of Section 516 or 517 was a Class C offense against a person subject to a statutory maximum of life imprisonment. The bill was tie-barred to Senate Bills 1038, 1039, 1040, and 1042.

MCL 290.134 (S.B. 1020)  
750.502 (S.B. 1026)  
750.41 (S.B. 1027)  
750.409 (S.B. 1032)  
750.348 (S.B. 1034)  
777.16q (S.B. 1035)  
750.494 (S.B. 1037)  
750.517 (S.B. 1038)  
750.516 (S.B. 1039)  
750.514 (S.B. 1040)

750.513 (S.B. 1042)  
777.16x (S.B. 1043)

## **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

### **Supporting Argument**

The bills implement several recommendations of the Law Revision Task Force. According to its report, Michigan residents must be free from the threat of the State's arbitrarily enforcing laws that are arcane or irrelevant to modern life; residents must not be required to be aware of and abide by laws that no reasonable person can know exist; and government resources should not be used to perpetuate and/or impose arcane or irrelevant laws upon the citizens. For example, Senate Bills 1038, 1039, and 1040 repealed laws dealing with train robberies, a crime of the past irrelevant to life in present-day Michigan. In the unlikely event that someone did rob a train, current armed robbery statutes could be used to prosecute that person. Similarly, Senate Bill 1034 did Michigan residents a favor by repealing a section that made it a felony to incite an Indian to violate a peace treaty or to disturb the peace. The law was outdated, wrongly singled out one race as being more susceptible to incitement than any other group, and duplicative, as other statutes penalize inciting a riot. In the same vein, Senate Bill 1032 repealed a law criminalizing the taunting of another for having been a convict. The bills rightly cleared obsolete and inessential laws from the books.

Legislative Analyst: Claire Layman

### **FISCAL IMPACT**

Senate Bill 1020 will have no fiscal impact on State or local government associated with the repeal of rule-making authority.

Senate Bills 1026, 1027, 1032, and 1037 will have an indeterminate fiscal impact on local government. There are no statewide data currently available to indicate how many offenders a year (if any) are convicted of a misdemeanor for the applicable offenses. Previously, local units of government incurred the cost of incarceration for these offenses, and libraries received the fine revenue.

Senate Bills 1034 and 1035 will have no fiscal impact on State or local government, assuming that past years are representative of the future. According to the Department of Corrections Statistical Report, in 1999, there were no offenders convicted of inciting or attempting to incite Native Americans to violate peace treaties or U.S. laws.

Senate Bills 1038, 1039, 1040, 1042, and 1043 will have no fiscal impact on State or local government, assuming that past years are representative of the future. According to the Department of Corrections Statistical Report, in 1999, there were no convictions for or felons serving for these crimes dealing with railroad detention, robbery, or securities.

Fiscal Analyst: Craig Thiel  
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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.