



House Bill 5125 (Substitute S-1 as reported)
House Bill 5126 (Substitute S-1 as reported)
Sponsor: Representative Michael Bishop
House Committee: Criminal Justice
Senate Committee: Judiciary

CONTENT

House Bill 5125 (S-1) would amend the Michigan Penal Code to prohibit a person from doing any of the following, with the intent to commit or attempt to commit a larceny:

- Possessing a laminated or coated bag or device that was intended to shield merchandise from detection by an electronic or magnetic theft detection device
- Possessing a tool or device designed to allow the deactivation or removal of a theft detection device from any merchandise, with the intent to use it to deactivate a theft detection device on, or to remove one from, any merchandise without the permission of the merchant or person owning or lawfully holding the merchandise.
- Deactivating a theft detection device or removing a theft detection device from any merchandise in a retail establishment before purchasing the merchandise.

The bill also would prohibit a person from manufacturing, selling, offering to sell, or distributing the type of bag, device, or tool described above, knowing or reasonably believing that it would be used to commit or attempt larceny.

A violation would be a misdemeanor punishable by up to one year's imprisonment and/or a maximum fine of \$1,000. If the offender had a prior conviction, the violation would be a felony punishable by up to four years' imprisonment and/or a maximum fine of \$4,000.

House Bill 5126 (S-1) would amend the Code of Criminal Procedure to include in the sentencing guidelines a theft detection device offense, with a prior conviction. The offense would be a Class F felony against property, with a statutory maximum sentence of four years' imprisonment, as proposed by House Bill 5125. House Bill 5126 (S-1) is tie-barred to House Bill 5125, and both bills would take effect on July 1, 2002.

Proposed MCL 750.360a (H.B. 5125)
MCL 777.16r (H.B. 5126)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have an indeterminate impact on State and local government. There are no data to indicate how many people would be convicted of the proposed offenses. For first-time offenders, local units would incur the cost of probation and incarceration, which varies by county from \$27 to \$65 per day. For repeat offenders, the State would incur the costs of felony probation, estimated to be \$4.38 per day, and incarceration, at an average annual cost of \$25,000. In the absence of data, if five new offenders were convicted of a repeat offense and received the longest possible minimum sentence, it would cost the State \$240,000.

Date Completed: 2-28-02

Fiscal Analyst: Bethany Wicksall