



Senate Fiscal Agency
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House Bill 5451 (as reported without amendment)
Sponsor: Representative John Proos
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

The bill would amend the Michigan Penal Code to prohibit and prescribe a criminal penalty for unlawful imprisonment. A person would commit the crime of unlawful imprisonment if he or she knowingly restrained another person under any of the following circumstances:

- The person was restrained by means of a weapon or dangerous instrument.
- The restrained person was secretly confined.
- The person was restrained to facilitate the commission of another felony or to facilitate flight after commission of another felony.

A violation would be a felony punishable by up to 15 years' imprisonment, a maximum fine of \$20,000, or both. The bill specifies that it would not prohibit a person from being charged with, convicted of, or sentenced for any other violation of law that the person committed while violating the bill.

"Restrain" would mean forcibly to restrict a person's movements or confine the person so as to interfere with his or her liberty without his or her consent or without lawful authority. The restraint would not have to exist for any particular length of time and could be related or incidental to the commission of other criminal acts. "Secretly confined" would mean to keep either the confinement or the location of the restrained person a secret.

The bill would take effect 90 days after its enactment.

Proposed MCL 750.349b

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of the proposed offense. Offenders who would be convicted of unlawful imprisonment are currently prosecuted under other statutes. To the extent that the bill resulted in increased incarceration time for offenders convicted of the offense, local governments would incur increased costs of incarceration in local facilities, which vary by county. The State would incur the cost of felony probation at an annual average cost of \$2,000, as well as increased costs of incarceration in a State facility at an average annual cost of \$30,000. Additional penal fine revenue would benefit public libraries.

Date Completed: 5-10-06

Fiscal Analyst: Lindsay Hollander

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Analysis available @ <http://www.michiganlegislature.org>

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.