

Legislative Analysis



FAILURE TO REPORT A DEAD BODY

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Senate Bill 231 (Substitute S-2)
Sponsor: Sen. Tonya Schuitmaker

Senate Bill 380 (Substitute S-1)
Sponsor: Sen. Dave Hildenbrand

House Committee: Judiciary
Senate Committee: Judiciary

Complete to 11-28-12

A SUMMARY OF SENATE BILLS 231 AND 380 AS PASSED BY THE SENATE 6-7-11

Senate Bill 231 would make the failure to report the discovery of a dead body to authorities a misdemeanor offense; failing to report a dead body in order to cover up a death would be a felony. Senate Bill 380 would place the felony penalty within the sentencing guidelines.

Senate Bill 231 would amend the Public Health Code (MCL 333.2841) to specify that a person who discovers the body of an individual he or she knows or has reason to know is dead and fails to inform a law enforcement agency, a funeral home, or a 9-1-1 operator of the discovery would be guilty of a misdemeanor punishable by imprisonment for not more than one year and/or a fine of not more than \$1,000. (The bill would not apply to persons already required under Part 28 to report deaths in certain circumstances, such as funeral home directors.)

It would be a felony punishable by imprisonment for not more than five years and/or a fine of not more than \$5,000 to fail to report the dead body with the purpose of concealing the fact of the death or the cause of death.

A sentence imposed under Section 2841 could be imposed to run consecutively to any other sentence imposed for a conviction arising out of the same transaction. The bill would take effect 90 days after enactment.

(The bill is similar to House Bill 4349 of 2009 and House Bill 5277 of the 2007-2008 legislative session. Both bills passed the House but died in the Senate.)

Senate Bill 380 would amend the sentencing guidelines portion of the Code of Criminal Procedure (MCL 777.13K) to specify that failure to inform law enforcement or a funeral home of discovery of a dead body with the purpose of concealing the fact or cause of death would be a Class E felony against the public order with a five-year maximum term of imprisonment. The bill is tie-barred to Senate Bill 231.

FISCAL IMPACT:

To the extent that the bill results in a greater number of misdemeanor or felony convictions, it would increase costs on state and local correctional systems. The average cost of prison incarceration in a state facility is roughly \$34,000 per prisoner per year, a figure that includes various fixed administrative and operational costs. State costs related to parole and felony probation supervision average about \$2,400 per supervised offender per year. The local costs of incarceration in a county jail and misdemeanor probation supervision vary by jurisdiction. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally-designated recipients of those revenues.

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