



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 231 (Substitute S-2 as reported) *(as passed by the Senate)*
Senate Bill 380 (Substitute S-1 as reported) *(as passed by the Senate)*
Sponsor: Senator Tonya Schuitmaker (S.B. 231)
Senator Dave Hildenbrand (S.B. 380)
Committee: Judiciary

CONTENT

Senate Bill 231 (S-2) would amend Part 28 (Vital Records) of the Public Health Code to prescribe misdemeanor and felony penalties for failing to inform a law enforcement agency, a funeral home, or a 9-1-1 operator of the discovery of a dead body under certain circumstances.

Specifically, except as otherwise provided under Part 28, if an individual discovered the body of a person he or she knew or had reason to know to be dead and failed to inform a law enforcement agency, funeral home, or a 9-1-1 operator of the discovery, the individual would be guilty of a misdemeanor punishable by up to one year's imprisonment and/or a maximum fine of \$1,000. If a violation were committed with the purpose of concealing the fact or cause of death, the individual would be guilty of a felony punishable by up to five years' imprisonment and/or a maximum fine of \$5,000. A sentence for either violation could be imposed to run consecutively to any other sentence imposed for a conviction that arose out of the same transaction.

The bill would take effect 90 days after its enactment.

Senate Bill 380 (S-1) would amend the Code of Criminal Procedure to add the felony proposed by Senate Bill 231 (S-2) to the sentencing guidelines. The offense would be a Class E felony against public order with a statutory maximum penalty of five years' imprisonment.

The bill is tie-barred to Senate Bill 231.

MCL 333.2841 (S.B. 231)
777.13k (S.B. 380)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills 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 felony and misdemeanor offenses. An offender convicted of the Class E offense under the bills would receive a sentencing guidelines minimum sentence range of 0-3 months to 24-38 months. Local governments would incur the 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 \$2,500, as well as the cost of incarceration in a State facility at an average annual cost of \$35,000. Additional penal fine revenue would benefit public libraries.

Date Completed: 5-19-11

Fiscal Analyst: Matthew Grabowski