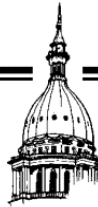




Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383  
Fax: (517) 373-1986

Senate Bills 231 and 380 (as enacted)  
Sponsor: Senator Tonya Schuitmaker (S.B. 231)  
Senator Dave Hildenbrand (S.B. 380)  
Senate Committee: Judiciary  
House Committee: Judiciary

**PUBLIC ACTS 538 & 539 of 2012**

Date Completed: 8-2-13

**CONTENT**

**Senate Bill 231 amended Part 28 (Vital Records) of the Public Health Code to prescribe misdemeanor and felony penalties for failing to inform a law enforcement agency, funeral home, or 9-1-1 operator of the discovery of a dead body. Senate Bill 380 amended the Code of Criminal Procedure to add the felony enacted by Senate Bill 231 to the sentencing guidelines**

**Senate Bill 380**

Under the bill, the felony enacted by Senate Bill 231 is classified in the sentencing guidelines as a Class E felony against public order with a statutory maximum penalty of five years' imprisonment.

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

The bills took effect on April 1, 2013. Senate Bill 380 was tie-barred to Senate Bill 231.

Legislative Analyst: Patrick Affholter

**FISCAL IMPACT**

**Senate Bill 231**

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

The bills will have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders will be convicted of the felony and misdemeanor offenses. An offender convicted of the Class E offense under the bills will receive a sentencing guidelines minimum sentence range of 0-3 months to 24-38 months. Local governments incur the costs of incarceration in local facilities, which vary by county. The State will 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 will benefit public libraries.

Fiscal Analyst: Dan O'Connor

The misdemeanor violation does not apply to a person who knows or has reason to know that a law enforcement agency, funeral home, or 9-1-1 operator has been informed of the discovery of the body.

S1112\s231es

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.