



Senate Fiscal Agency  
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 BILL ANALYSIS

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House Bill 5431 (Substitute S-3 as reported by the Committee of the Whole)  
House Bill 5432 (Substitute S-1 as reported)  
House Bill 5433 (Substitute S-3 as reported by the Committee of the Whole)  
Sponsor: Representative Kurt Heise (H.B. 5431)  
Representative Pat Somerville (H.B. 5432)  
Representative Kevin Cotter (H.B. 5433)

House Committee: Judiciary  
Senate Committee: Judiciary

**CONTENT**

House Bill 5431 (S-3) would amend the Michigan Penal Code to prohibit and prescribe penalties for intentionally making a false report of a medical or other emergency to a peace officer, police agency, firefighter or fire department, 9-1-1 operator, medical first responder, or any governmental employee or contractor authorized to receive reports of medical or other emergencies, as shown in Table 1.

Table 1

Violation	Level	Max. Sentence	Fine
False report of medical emergency	Misdemeanor	93 days	\$500 Max.
False report of medical emergency resulting in physical injury	Felony	5 years	\$20,000 Max.
False report of medical emergency resulting in serious impairment	Felony	10 years	\$25,000 Max.
False report of medical emergency resulting in death	Felony	15 years	\$25,000 Min. \$50,000 Max.

The bill also would add penalties for making a false report of the commission of a crime resulting in physical injury, serious impairment of a body function, and death. The Penal Code prohibits a person from making a false report of the commission of a crime to a peace officer, police agency, 9-1-1 operator, or any other governmental employee or contractor authorized to receive reports of crimes. A violation is a misdemeanor punishable by up to 93 days' imprisonment and/or a maximum fine of \$500 if the false report is of a misdemeanor, and is punishable by up to four years' imprisonment and/or a maximum fine of \$2,000 if the false report is of a felony. The bill would add penalties as shown in Table 2.

Table 2

Violation	Level	Max. Sentence	Fine
False report of crime resulting in physical injury	Felony	5 years	\$20,000 Max.
False report of crime resulting in serious impairment	Felony	10 years	\$25,000 Max.
False report of crime resulting in death	Felony	15 years	\$25,000 Min. \$50,000 Max.

House Bill 5432 (S-1) would amend the Code of Criminal Procedure to include the felonies proposed by House Bill 5431 (S-3) among violations for which the sentencing court may order a convicted person to reimburse the State or a local unit of government for expenses related to the incident, including expenses for an emergency response and for prosecuting the person.

House Bill 5433 (S-3) would amend the Code of Criminal Procedure to include the felony penalties proposed by House Bill 5431 (S-3) in the sentencing guidelines, as shown in Table 3.

Table 3

Offense	Felony Class & Category	Stat. Max. Sentence
False report of crime or medical or other emergency resulting in physical injury	E - Person	5 years
False report of crime or medical or other emergency resulting in serious impairment	D - Person	10 years
False report of crime or medical or other emergency resulting in death	C - Person	15 years

The bills would take effect on January 1, 2013. House Bill 5432 (S-1) is tie-barred to House Bill 5431. House Bill 5433 (S-3) is tie-barred to House Bills 5431 and 5432.

MCL 750.411a (H.B. 5431)  
769.1f (H.B. 5432)  
777.16t (H.B. 5433)

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bills would create a new felony and place that felony into the sentencing guidelines, but there are no data to indicate how many individuals would be convicted of the proposed offense; therefore, the fiscal impact is indeterminate. To the extent that any individuals would be convicted of the proposed offense, State and local governments would incur costs of incarceration and/or community supervision. Any penal fine revenue obtained from the fines of up to \$50,000 would benefit public libraries.

In addition to creating a new felony for falsely reporting a medical or other emergency, the bills would increase the maximum sentences and fines associated with the felony of falsely reporting a crime. As with the creation of a new felony, the sentence and fine increases proposed have the potential to increase State and local incarceration and community supervision costs and fine revenue.

If State and local governments incurred costs responding to intentional false reports, the units could see some positive fiscal impact if they were able to obtain reimbursement via the mechanism set forth in the law. This potential reimbursement mechanism would apply to both falsely reporting a specified crime (which is already a felony for which costs may be received), and falsely reporting a medical or other emergency (the proposed felony under these bills).

Date Completed: 9-19-12

Fiscal Analyst: Dan O'Connor

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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.