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BILL



ANALYSIS

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House Bills 5431, 5432, and 5433 (as passed by the House)

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

Date Completed: 6-5-12

### **CONTENT**

**House Bill 5431 would amend the Michigan Penal Code to prohibit and prescribe penalties for intentionally making a false report of a medical or other emergency to certain officials.**

**House Bill 5432 would amend the Code of Criminal Procedure to include the felony proposed by House Bill 5431 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.**

**House Bill 5433 would amend the Code of Criminal Procedure to include the felony proposed by House Bill 5431 in the sentencing guidelines.**

The bills would take effect on July 1, 2012. House Bill 5432 is tie-barred to House Bill 5431. House Bill 5433 is tie-barred to House Bills 5431 and 5432.

### **House Bill 5431**

Section 411a of the Penal Code prohibits and prescribes penalties for intentionally and knowingly making a false report of the commission of a crime, or intentionally causing a false report to be made, to a peace officer, police agency, 9-1-1 operator, or any other governmental employee or contractor who is authorized to receive reports of a crime.

Section 411a also prohibits knowingly making a false report of a violation or attempted violation of, or threatening to violate, any of the following:

- Chapter 33 of the Code (Explosives and Bombs, and Harmful Devices).
- Causing a death due to explosives.
- Causing a death due to explosive placed with intent to destroy a building or object.
- Placing a harmful object or substance in food.
- Poisoning food, drink, or medicine or a spring, well, reservoir, or public water supply.

The bill also would prohibit a person from 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 who was

authorized to receive reports of medical or other emergencies. Generally, a violation would be a felony punishable by up to four years' imprisonment, a maximum fine of \$2,000, or both.

If the false report resulted in a response to address the reported emergency and a person were physically injured as a proximate result of lawful conduct arising out of that response, the violation would be punishable by up to 10 years' imprisonment and/or a maximum fine of \$10,000. If the false report resulted in a response and a person were killed as a proximate result of lawful conduct arising out of that response, the violation would be punishable by up to 15 years' imprisonment and/or a maximum fine of \$10,000.

Currently, a court may order a person convicted of making a false report of an explosive, harmful device, or poisoning violation (as described above) to pay to the State or a local unit the costs of responding to the false report, including use of police or fire emergency response vehicles and teams. Under the bill, a court could order a person convicted of that offense, or of making a false report of a medical or other emergency, to pay to the State or a local unit the costs of responding to the false report, including use of police, fire, medical, or other emergency response vehicles and teams.

The bill specifies that a violation or attempted violation of Section 411 would occur if the communication of the false report originated in Michigan, were intended to terminate in Michigan, or were intended to terminate with a person who was in Michigan. A violation could be prosecuted in any jurisdiction in which the communication originated or terminated.

**House Bill 5432**

The Code of Criminal Procedure allows the court, as part of the sentence and in addition to any other penalty, to order the person convicted of a specified crime to reimburse the State or a local unit of government for expenses incurred in relation to that incident, including expenses for an emergency response and for prosecuting the person. Making a false report of an explosives, harmful device, or poisoning violation is on the list of crimes for which a court may order reimbursement of expenses. The bill also would include making a false report of a medical or other emergency, as proposed by House Bill 5431.

**House Bill 5433**

The bill would include the felony proposed by House Bill 5431 in the sentencing guidelines, as shown in Table 1.

Table 1

Offense	Felony Class & Category	Stat. Max. Sentence
False report of medical or other emergency	F - Public Order	4 years
False report of medical or other emergency resulting in physical injury	F - Public Order	10 years
False report of medical or other emergency resulting in death	F - Public Order	15 years

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 \$10,000 would benefit public libraries.

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).

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.