

This revised summary replaces the summary dated 3-12-96.



**House
Legislative
Analysis
Section**

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**TRESPASSING ON PRISON GROUNDS:
FELONY, WARRANTLESS ARREST**

House Bills 5607-5609

Sponsor: Rep. Terry Geiger

Committee: Judiciary and Civil Rights

Complete to 3-18-96

A SUMMARY OF HOUSE BILLS 5607-5609 AS INTRODUCED 2-20-96

The bills would amend three laws to make it a felony, punishable by imprisonment for up to four years and a fine of up to \$2,000, to trespass on prison grounds, and to allow warrantless arrests of such trespassers by certain Department of Corrections employees. The three bills are all tie-barred to each other.

More specifically, currently under the Michigan Penal Code section on criminal trespass, trespassing on the lands or premises of another without lawful authority and after having been forbidden to do so is a misdemeanor (punishable by imprisonment in the county jail for up to 30 days or a fine of up to \$50 or both) if the person refuses to leave when told to do so. House Bill 5609 would add a new section to the Michigan Penal Code (MCL 750.552b) to make it a felony (punishable by imprisonment for up to four years, a fine of up to \$2,000, or both) to "willfully" trespass on prison grounds ("by entering or remaining upon the property of a state correctional facility without authority or permission to enter or remain").

Chapter IV of the Code of Criminal Procedure specifies under what conditions arrests can legally be made, both with and without warrants. House Bill 5607 would add a new section to this chapter of the code (MCL 764.23a) to allow certain designated employees of the Department of Corrections to arrest, without a warrant, a person who trespassed on a state correctional facility in violation of the section of the penal code proposed by House Bill 5609.

Finally, Public Act 80 of 1905 (which regulates the "care, order, and preservation of buildings or property dedicated and appropriated to the public use and the conduct of those coming upon the property thereof") makes violations of the act misdemeanors (punishable by imprisonment for ten to sixty days or a fine of up to \$50 or both), and gives those chosen to superintend, watch, or guard such property the authority to arrest violators without a warrant. House Bill 5608 would amend the act (MCL 19.142 and 19.143) to specify that trespass on state prison grounds would be governed under the new section of the penal code proposed by House Bill 5609, and to limit the warrantless arrest of people for trespassing on prison grounds to those Department of Corrections employees who would be authorized under House Bill 5607.

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.