



Senate Fiscal Agency
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BILL



ANALYSIS

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House Bill 4003

Sponsor: Representative David Anthony

House Committee: Agriculture and Forestry

Senate Committee: Agriculture and Forestry

Date Completed: 12-5-95

SUMMARY OF HOUSE BILL 4003 as passed by the House:

The bill would amend the Michigan Penal Code to prescribe criminal penalties for activities commonly known as "tree spiking". The offense would be a felony if it resulted in injury or death to another person; otherwise, it would be a misdemeanor.

Specifically, a person would be guilty of a misdemeanor if he or she drove or placed in or on any tree or saw log, without the owner's prior consent, any iron, steel, or other substance sufficiently hard to damage saws or wood manufacturing or processing equipment with the intent to cause inconvenience, annoyance, or alarm to any other person. The offense would be punishable by imprisonment for up to 90 days, a maximum fine of \$500, or both.

A person would be guilty of a felony, punishable by imprisonment for up to four years and/or a fine of up to \$2,500, if he or she drove or placed in or on any tree or wood product, without the owner's prior consent, any iron, steel, or other substance sufficiently hard to damage saws or wood manufacturing or processing equipment with the intent to cause inconvenience, annoyance, or alarm to any other person and, by doing so, caused injury to a person. If the activity caused death to a person, the offense would be punishable by imprisonment for up to 15 years, a maximum fine of \$7,500, or both.

The bill would not prohibit an individual from being charged with, convicted of, or punished for any other violation of law that he or she committed while violating the bill. The bill would not prohibit a landowner from attaching an alarm system to a tree, or authorizing an individual to attach an alarm system to a tree, on the landowner's property.

The bill would take effect on January 1, 1996.

Proposed MCL 750.495a

Legislative Analyst: S. Margules

FISCAL IMPACT

The bill would have an indeterminate, yet likely insignificant fiscal impact on State and local government.

According to information provided by the Department of Natural Resources, "tree spiking" is not yet a significant problem in Michigan. Consequently, total annual convictions for violating the

provisions of the bill are not expected to be great. In the event that either felony or misdemeanor convictions for tree spiking were to increase, however, costs for arresting, convicting, and sanctioning offenders could increase.

Fiscal Analyst: M. Hansen

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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.