



Senate Fiscal Agency
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BILL



ANALYSIS

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House Bill 5609 (Substitute S-1 as reported)
Sponsor: Representative Terry Geiger
House Committee: Judiciary and Civil Rights
Senate Committee: Families, Mental Health and Human Services

CONTENT

The bill would amend the Michigan Penal Code to specify that a person who willfully trespassed by entering or remaining on the property of a State correctional facility without authority or permission to enter or remain would be guilty of a felony punishable by imprisonment for up to four years or a fine of up to \$2,000, or both. The bill would take effect on January 1, 1997.

“State correctional facility” would mean a facility or institution that housed a prisoner population under the jurisdiction of the Department of Corrections. It would not include a community corrections center or a community residential home.

The bill is tie-barred to House Bills 5607 and 5608. House Bill 5607 would amend the Code of Criminal Procedure to specify that a person who trespassed on a State correctional facility in violation of House Bill 5609 could be arrested without a warrant by any employee of the Department of Corrections designated by the Director of the Department as having the authority to arrest such persons. House Bill 5608 would amend Public Act 80 of 1905 to specify that trespassing on a State correctional facility would be governed by House Bill 5609, and that the warrantless arrest of a person for trespassing on a State correctional facility by a superintendent, watchperson, or guard would be limited to those persons authorized under House Bill 5607.

Proposed MCL 750.552b

Legislative Analyst: L. Burghardt

FISCAL IMPACT

The bill would have an indeterminate, yet likely little, fiscal impact on State and local government. To the extent that the bill resulted in increased arrests, and that the offenders then were sentenced to prison or jail, State and local costs for incarceration could increase. It is difficult to predict the number of annual convictions as a result of the bill. As a comparison, in 1994, there was one conviction recorded in circuit court for criminal trespassing and the sanction imposed for that misdemeanor violation was probation.

Date Completed: 5-6-96

Fiscal Analyst: M. Hansen