

Senate Fiscal Agency
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SFA



BILL ANALYSIS

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House Bills 4964 through 4968 and 5531 (Substitutes H-1 as passed by the House)

Sponsor: Representative Ted Wallace (House Bill 4964)
Representative Kirk A. Profit (House Bills 4965 & 5531)
Representative Candace Curtis (House Bill 4966)
Representative Kwame Kilpatrick (House Bill 4967)
Representative Mark Schauer (House Bill 4968)

House Committee: Local Government
Senate Committee: Judiciary

Date Completed: 5-5-98

CONTENT

House Bills 4964 (H-1), 4965 (H-1), 4966 (H-1), 4967 (H-1), 4968 (H-1), and 5531 (H-1) would amend various acts to permit local units to enact ordinances providing that violations would be punishable by up to 93 days in prison; and provide for the fingerprinting of certain local ordinance violators. The bills are tie-barred.

House Bills 4964 (H-1)-4968 (H-1)

The bills would amend various acts to allow local units of government to enact ordinances providing that a violation would be punishable by up to 93 days' imprisonment, a maximum fine of \$500, or both, if the violation substantially corresponded to a violation of State law that was a misdemeanor for which the maximum period of imprisonment is 93 days. Currently, the acts allow local units to punish violators of ordinances by up to 90 days' imprisonment and/or a maximum fine of \$500.

House Bill 4964 (H-1) would amend the Home Rule City Act; House Bill 4965 (H-1) would amend the Charter Township Act; House Bill 4966 (H-1) would amend Public Act 246 of 1945, which authorizes township boards to adopt ordinances and regulations to secure the public health, safety, and general welfare; House Bill 4967 (H-1) would amend the Home Rule Village Act; and House Bill 4968 (H-1) would amend the General Law Village Act.

House Bill 5531 (H-1)

The bill would amend the bureau of criminal identification Act to provide for the fingerprinting of certain local ordinance violators.

Currently, a law enforcement agency must take a person's fingerprints immediately upon his or her arrest for a felony or misdemeanor for which the maximum penalty exceeds 92 days' imprisonment. The fingerprints must be forwarded to the Department of State Police within 72 hours after the arrest.

Under the bill, a law enforcement agency also could take a person's fingerprints upon his or her arrest for a misdemeanor that was a local ordinance violation, if the maximum term of imprisonment

for the violation exceeded 92 days and the violation substantially corresponded to a violation of State law that was a misdemeanor for which the maximum term of imprisonment was 93 days. The agency could not forward the fingerprints to the Department of State Police before conviction, however. If the person were convicted of such a misdemeanor, the law enforcement agency would have to take the person's fingerprints, if not previously taken, and forward the fingerprints to the Department of State Police within 72 hours after entry of the conviction.

MCL 117.4i (H.B. 4964)
42.21 (H.B. 4965)
41.183 (H.B. 4966)
78.24 (H.B. 4967)
66.2 (H.B. 4968)
28.243 (H.B. 5531)

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on local law enforcement agencies as it would permit them to engage in a greater number of fingerprinting and Law Enforcement Information Network data entry activities, in an amount that cannot be determined at this time. Although enacting an ordinance with a 93-day prison term would be permissive, local units that chose to do so would be subject to the bills' requirements for taking and forwarding the fingerprints of convicted individuals.

Fiscal Analyst: B. Baker

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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.