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Senate Bill 525 (Substitute S-2 as passed by the Senate)
Sponsor: Senator Loren Bennett
Committee: Judiciary

Date Completed: 2-8-00

CONTENT

The bill would amend the Code of Criminal Procedure to provide that, as part of a sentence for any offense that a court determined was directly related to a riot, incitement to riot, unlawful assembly, or civil disorder on or within 2,500 feet of the campus of a public community college, public college, or public university, the court would have to order the convicted person not to enter upon any public community college, public college, or public university campus.

If the offense were a felony, the campus ban would have to be for two years after sentencing; if it were a misdemeanor, the ban would be for one year. If the person were sentenced to a term of imprisonment, the ban would apply for the appropriate period after the term of imprisonment was completed. If the person were placed in the jurisdiction of the Department of Corrections for the violation, the court would have to request that the parole board make the bill's two-year prohibition a condition of parole.

An order issued under the bill would be in addition to any other penalty or condition of probation imposed for the underlying violation. The bill would not require that any person be convicted of riot (MCL 752.541), incitement to riot (752.542), unlawful assembly (MCL 752.543), or civil disorder (MCL 750.528 or 750.528a).

If the prosecuting attorney intended to seek an order under the bill, he or she would have to include a notice on the complaint or information. The existence of the facts resulting in an order would have to be determined by the court, without a jury, at sentencing or a separate hearing for that purpose before sentencing. If a complaint or amended complaint were filed after a plea but before sentencing, the defendant would have to be given an opportunity to withdraw his or her plea before sentencing.

An order issued under the bill would not apply to either of the following:

- Entering onto the campus of a public community college, college, or university to obtain medical treatment.
- Traveling on a public highway situated on the campus of a public community college, college, or university for purposes of traveling to another location.

Proposed MCL 769.1g

Legislative Analyst: P. Affholter

FISCAL IMPACT

Senate Bill 525 (S-2) would have no direct cost for State or local government.

In 1997, there were seven people convicted of unlawful assembly, two people convicted of incitement to riot, and no one convicted of rioting. The bill would ban from public campus offenders whose underlying conviction was based on rioting, incitement to riot, or unlawful assembly, but who were not necessarily convicted of one of these crimes. There would be no direct cost to State or local government for banning people from a public campus.

To the extent that the ban would be a condition of parole or probation, however, State or local government would incur costs for sanctioning individuals who violated this condition of parole or probation. On average, a parole violator who is returned to a State prison serves 10 months. Assuming that the average annual cost of incarceration in a State facility is \$22,000, the increased cost for technical rule violator admissions to prison is \$18,300.

Fiscal Analyst: K. Firestone