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SFA**BILL ANALYSIS**

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Senate Bill 633 (Substitute S-3 as reported by the Committee of the Whole)
Senate Bill 634 (Substitute S-2 as reported by the Committee of the Whole)
Senate Bill 635 (Substitute S-1 as reported by the Committee of the Whole)
Sponsor: Senator William Van Regenmorter (Senate Bills 633 & 634)
Senator Dale L. Shugars (Senate Bill 635)
Committee: Judiciary

CONTENT

Senate Bill 633 (S-3) would amend the Michigan Penal Code and Senate Bills 634 (S-2) and 635 (S-1) would amend the Code of Criminal Procedure, to revise the penalties for falsely reporting a felony and falsely reporting a criminal offense involving a bombing or threat to bomb; authorize court-ordered recovery of costs to the State and local units of government for falsely reported crimes; and revise the related sentencing guidelines provisions.

The bills would take effect 90 days after their enactment. Senate Bill 634 (S-2) is tie-barred to Senate Bill 633.

Senate Bill 633 (S-3)

The Penal Code prohibits a person from intentionally making a false report of a crime to the Michigan State Police, a sheriff or deputy sheriff, a local police officer, or any other Michigan peace officer, knowing the report to be false. A false report of a misdemeanor is a misdemeanor punishable by up to 93 days' imprisonment, a maximum fine of \$100, or both. A false report of a felony is a felony, punishable by the penalty for the falsely reported crime or up to four years' imprisonment and/or a maximum fine of \$2,000, whichever is less. The bill would retain the penalty for a falsely reported misdemeanor and delete the first sentencing option for a falsely reported felony, so that a false report of a felony would be punishable by up to four years' imprisonment, a maximum fine of \$2,000, or both.

Currently, if a false report of a crime that relates to a bombing, attempted bombing, or threat to bomb is intentionally communicated to a peace officer or any other person, and the person reporting the crime knows the report to be false, the offense is a "crime" punishable by the penalty for the falsely reported crime or up to four years' imprisonment and/or a maximum fine of \$2,000, whichever is less. This applies regardless of whether the falsely reported crime is a misdemeanor or felony.

The bill would classify that offense as a felony; include in it falsely reporting a threat to use a harmful device, substance, or material; delete the first sentencing option; and add an enhanced penalty for a second or subsequent offense. A first offense would be punishable by up to four years' imprisonment, a maximum fine of \$2,000, or both. A subsequent offense would be punishable by up to 10 years and/or \$5,000.

The bill specifies that a court could order a person convicted of falsely reporting a bombing-related crime to pay to the State or a local unit of government the costs of responding to the false report including, but not limited to, use of police or fire emergency response vehicles and teams. If the person ordered to pay costs were a juvenile under the jurisdiction of the family division of circuit court, the court could order the juvenile's supervisory parent to pay the costs.

Senate Bill 634 (S-2)

Currently, the sentencing guidelines provisions of the Code of Criminal Procedure classify falsely reporting a bombing or threat to bomb as a Class F felony against the public order. The bill would retain that classification for a first offense. A subsequent offense would be classified as a Class D felony against the public order.

Senate Bill 635 (S-1)

The Code of Criminal Procedure lists offenses for which, as part of a sentence, a court may order the offender

to reimburse the State or a local unit of government for expenses incurred in relation to that incident, such as expenses for an emergency response and for prosecuting the offender. The bill would add to that list of offenses falsely reporting a crime related to bombing, attempted bombing, or threat to bomb.

The Code also lists the expenses for which reimbursement may be ordered. The bill would add to that list the salaries, wages, or other compensation, including overtime pay, of prosecution personnel for time spent investigating and prosecuting the crime or crimes resulting in conviction. (The Code already includes similar provisions relating to law enforcement, fire department, and emergency medical service personnel.)

MCL 750.411a (S.B. 633)
777.16t (S.B. 634)
769.1f (S.B. 635)

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State government.

Senate Bill 633 (S-3) would provide for a maximum prison term of four years and/or a fine of up to \$2,000 for a first offense and a maximum prison term of 10 years and/or a fine of up to \$5,000 for a subsequent offense, if the offense were a false report of a bombing, an attempted bombing, or a threat to bomb. In 1997, three people were committed to prison for falsely reporting a crime with an average minimum sentence of 1.3 years. However, there are no data available to determine if these individuals had committed a prior offense.

Assuming that each year three offenders are incarcerated for this offense with an average minimum sentence of 1.3 years, costs for incarceration would be about \$85,800 annually. Under the bill, if one of the offenders each year were a second-time offender and the judge sentenced the offender to a minimum sentence that was two-thirds of the maximum, the offender would serve 6.7 years and the cost for incarceration would increase to \$204,600 annually.

Senate Bill 633 (S-2) also would allow a court to require a person to pay the State or local unit of government for the costs of responding to a false report. Senate Bill 635 (S-1) would allow a court to order a person to reimburse the State or a local unit for the expenses related to a false report of a crime involving bombing, attempted bombing, or threat to bomb.

Date Completed: 9-28-99

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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.