

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA**BILL ANALYSIS**

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bills 1108 and 1109 (as introduced 3-8-00)
Sponsor: Senator Thaddeus G. McCotter
Committee: Government Operations

Date Completed: 5-11-00

CONTENT

Senate Bills 1108 and 1109 would amend the Code of Criminal Procedure and the Michigan Penal Code, respectively, to remove penalty provisions for inciting Indians to violate a peace treaty or U.S. law.

Under Section 348 of the Penal Code, it is a felony to incite or attempt to incite any Indian nation, tribe, chief, or individual to violate any peace treaty, disturb the peace, or violate any law of the United States. Senate Bill 1109 would repeal Section 348.

Under the sentencing guidelines in the Code of Criminal Procedure, a violation of Section 348 of the Penal Code is a class H offense against public safety, with a four-year statutory maximum sentence. Senate Bill 1108 would delete that provision.

MCL 777.16q (S.B. 1108)
750.348 (S.B. 1109)

Legislative Analyst: S. Lowe

FISCAL IMPACT

Senate Bills 1108 and 1109 would have an indeterminate fiscal impact on State government.

There are no data available to indicate how many offenders a year are convicted of inciting or attempting to incite Indians to violate peace treaties or U.S. laws.

Fiscal Analyst: K. Firestone

S9900\1108sa

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.