

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bills 1221 and 1222 (as introduced 5-2-00)

Sponsor: Senator Thaddeus G. McCotter

Committee: Judiciary

Date Completed: 5-3-00

CONTENT

Senate Bills 1221 and 1222 would amend the Michigan Penal Code and the Code of Criminal Procedure, respectively, to prohibit and provide penalties for making certain threats relating to school property, employees, or students, and to allow an arrest without a warrant for those violations. The bills are tie-barred and would take effect on July 1, 2000.

Senate Bill 1221

The bill would prohibit a person from threatening to do any of the following:

- Damage or destroy school property.
- Kill or physically injure any person on school property.
- Kill or physically injure any person because of his or her status as a school employee or as a student at a school.

A violation would be a misdemeanor, punishable by up to one year's imprisonment, a maximum fine of \$1,000, or both. The bill would not prohibit a person from being charged with, convicted of, or sentenced for any other violation of law committed during a violation of the bill.

"School" would mean a public or nonpublic elementary or secondary school or a public or nonpublic junior college, college, or university. "School property" would mean any real or personal property owned by a school or any other property while it was being used by a school for a school function, event, or activity.

Senate Bill 1222

The Code of Criminal Procedure allows a peace officer to arrest a person, without a warrant, in certain situations. The bill would add situations in which a peace officer had reasonable cause to believe both that a violation of Senate Bill 1221 had occurred or was currently taking place and that the person to be arrested had committed or was currently committing the violation, regardless of whether the violation was committed in the peace officer's presence.

Proposed MCL 750.411r (S.B. 1221)
MCL 764.15 (S.B. 1222)

Legislative Analyst: P. Affholter

FISCAL IMPACT

Senate Bill 1221

The bill would have an indeterminate fiscal impact on local government.

There are no data available to determine how many people would commit the misdemeanor of threatening to damage or destroy school property, or threatening to kill or physically injure a person on school property or because of his or her status as a student or school employee. Local units of government would incur the costs of incarceration up to one year and/or receive the fine revenue up to \$1,000. Costs of incarceration vary among the jurisdictions from \$27 to \$65 per day.

Senate Bill 1222

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: K. Firestone
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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.