

CONTEMPT CONVICTIONS

House Bill 5277

Sponsor: Rep. Larry Julian

House Bill 5282

Sponsor: Rep. Lauren Hager

Committee: Criminal Justice

Complete to 10-27-01

A SUMMARY OF HOUSE BILLS 5277 AND 5282 AS INTRODUCED 10-17-01

House Bill 5277 would add a conviction for criminal contempt to the information required to be filed in a criminal history record and would require fingerprinting for criminal contempt arrests. House Bill 5282 would require the final disposition of a charge of criminal contempt to be reported to the Department of State Police. The bills are tie-barred to each other. Specifically, the bills would do the following:

House Bill 5277 would amend Public Act 289 of 1925 (MCL 28.242 and 28.243), which created a bureau for criminal identification and records within the Department of State Police (DSP). The bill would make the following changes:

- Require the Central Records Division of the DSP to procure and file for purposes of criminal identification criminal history record information on all persons convicted within the state of criminal contempt. ("Criminal history record information" includes name; date of birth; fingerprints; photographs; personal descriptions; identifying marks such as scars and tattoos; aliases; Social Security and driver's license numbers; and information on misdemeanor convictions and felony arrests and convictions.)
- Require an arresting law enforcement agency to take the fingerprints, in duplicate, of a person arrested for criminal contempt and forward the prints to the DSP within 72 hours of the arrest. (One print would be sent to the FBI).
- If not previously taken under the above provision, require a law enforcement agency to take a person's fingerprints upon an arrest for criminal contempt under a provision pertaining to an arrest for a violation of a local ordinance for which the maximum penalty is 93 days imprisonment and that substantially corresponds to a violation of state law that is also a misdemeanor with a maximum penalty of 93 days imprisonment.
- Clarify that if a law enforcement agency took the fingerprints of a person arrested for a misdemeanor not specified previously in Section 3 of the act, that the agency could not forward the fingerprints to the DSP unless the person was convicted of a misdemeanor.

House Bill 5282 would amend the Code of Criminal Procedure (MCL 769.16a) to require the clerk of a court to advise the DSP of a final disposition of a charge of criminal contempt.

(Currently, the clerk advises the DSP of a final disposition of a felony or misdemeanor charge for which the maximum penalty exceeds 92 days imprisonment or of a local ordinance that corresponds to a state law and that is a misdemeanor with a maximum penalty of 93 days imprisonment.)

(*Black's Law Dictionary* distinguishes between civil and criminal contempt as follows. Civil contempt is the "failure to do something which the party is ordered by the court to do" and is "against the party in whose behalf the mandate of the court was issued" with a fine imposed as a penalty. However, criminal contempt is an act "done in disrespect of the court or its process or which obstruct[s] the administration of justice or tend[s] to bring the court into disrespect," and is punished by a fine or imprisonment.)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.