

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 721 and 722 (as enrolled)
Sponsor: Senator Valde Garcia (Senate Bill 721)
Senator Mike Goschka (Senate Bill 722)
Senate Committee: Judiciary
House Committee: Criminal Justice

Date Completed: 5-15-02

PUBLIC ACTS 203 & 204 of 2001**CONTENT**

Senate Bills 721 and 722 amend the fingerprinting law and the Code of Criminal Procedure, respectively, to do the following:

- **Require the fingerprinting of a person arrested for criminal contempt for violating a domestic violence or stalking personal protection order (PPO) or a foreign protection order.**
- **Require the Department of State Police to maintain criminal history record information on people convicted in Michigan of that offense.**
- **Require court clerks to advise the Department of the disposition of such a charge.**

The bills were tie-barred and will take effect on October 1, 2002.

Senate Bill 721

The fingerprinting law requires a person's fingerprints to be taken upon arrest for a felony, a misdemeanor violation of State law for which the maximum penalty exceeds 92 days' imprisonment and/or a \$1,000 fine, or a juvenile offense, other than an juvenile offense for which the maximum penalty does not exceed 92 days' imprisonment and/or a \$1,000 fine. The fingerprints must be forwarded to the Department of State Police within 72 hours. A person's fingerprints also must be taken if he or she is arrested for a misdemeanor for which the maximum penalty is 93 days, if the person's prints have not previously been taken and forwarded, or if a person is arrested for violating a local ordinance for which the maximum penalty is 93 days' imprisonment and that substantially corresponds to a State violation with that

maximum penalty. If the person is convicted of any violation, fingerprints must be taken before sentencing, if not previously taken, and forwarded to the Department within 72 hours.

The bill requires fingerprinting under these provisions if a person is arrested for criminal contempt for violating a PPO enjoining domestic violence or stalking, or for violating a foreign protection order that satisfies the conditions for validity provided in the Revised Judicature Act (RJA).

Under the fingerprinting law, the commanding officer of the Department of State Police is required to procure and file, for purposes of criminal identification, criminal history record information on all individuals who have been convicted within this State of a felony or a misdemeanor. The bill also requires the commanding officer to procure and file criminal history record information on everyone convicted in Michigan of criminal contempt for violating a stalking or domestic violence PPO or a foreign protection order. (The commanding officer is the State Police employee in charge of the Criminal Justice Information Center.)

(Under the RJA, as amended by Public Act 206 of 2001, a "foreign protection order" is an injunction or other order issued by a court of another state, Indian tribe, or U.S. territory for the purpose of preventing a person's violent or threatening acts against, harassment of, contact with, communication with, or physical proximity to another person. A foreign protection order is valid if 1) the issuing court had jurisdiction over the parties and subject matter under the laws of the issuing state, tribe, or territory; and 2)

reasonable notice and opportunity to be heard are given to the respondent sufficient to protect his or her right to due process.)

Senate Bill 722

Under the Code of Criminal Procedure, a court clerk must report to the Department of State Police the final disposition of an original charge against a person of a felony or a misdemeanor for which the maximum penalty exceeds 92 days' imprisonment, or a local ordinance for which the maximum penalty is 93 days' imprisonment and that substantially corresponds to a State violation with that maximum penalty, or a misdemeanor in a case in which the appropriate court was notified that fingerprints were forwarded to the Department.

The bill also requires a court clerk to report the final disposition of a charge of criminal contempt for a domestic violence or stalking PPO violation, or a charge of criminal contempt for violating a foreign protection order that satisfies the conditions for validity provided in the RJA.

MCL 28.242 & 28.243 (S.B. 721)
769.16a (S.B. 722)

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

Senate Bill 721

The bill will have a minimal fiscal impact on the State, requiring the State to add to its criminal history files convictions of criminal contempt.

Senate Bill 722

The bill will result in additional administrative costs to local units of government due to additional reporting requirements. The State Court Administrative Office reports that there are no Statewide data regarding the number of final dispositions for criminal contempt for violations of domestic violence or stalking PPOs.

Fiscal Analyst: Bruce Baker
Bill Bowerman

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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.