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Senate Bill 721 (Substitute S-2 as reported)
Senate Bill 722 (Substitute S-1 as reported)
Sponsor: Senator Valde Garcia (Senate Bill 721)
Senator Mike Goschka (Senate Bill 722)
Committee: Judiciary

CONTENT

Senate Bills 721 (S-2) and 722 (S-1) would amend the fingerprinting law and the Code of Criminal Procedure, respectively, to require the fingerprinting of a person arrested for criminal contempt for violating a domestic violence or stalking personal protection order (PPO); to require that the Department of State Police's central records division maintain criminal history record information on people convicted in Michigan of that offense; and to require court clerks to advise the Department of the disposition of such a charge. The bills are tie-barred and would take effect on April 1, 2002.

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. The fingerprints must be forwarded to the Department of State Police within 72 hours. If a person's fingerprints have not previously been taken and forwarded, they must be taken if a person is arrested for a misdemeanor for which the maximum penalty is 93 days or a violation of 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 be forwarded to the Department within 72 hours. Senate Bill 721 (S-2) would require fingerprinting under these provisions if a person were arrested for criminal contempt for violating a PPO enjoining domestic violence or stalking.

Under the Code of Criminal Procedure, upon final disposition of a charge 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, the court clerk immediately must advise the Department of that disposition. Senate Bill 722 (S-1) would add to that provision a final disposition of a charge of criminal contempt for a domestic violence or stalking PPO violation.

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

Legislative Analyst: P. Affholter

FISCAL IMPACT

Senate Bill 721 (S-2) would 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 (S-1) would 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.

Date Completed: 11-5-01

Fiscal Analyst: B. Baker, B. Bowerman