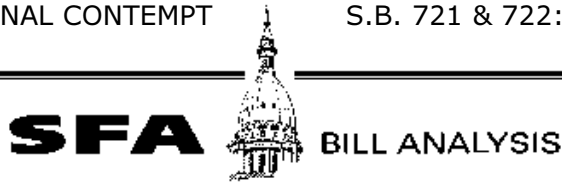


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Senate Bills 721 and 722 (as introduced 10-17-01)
Sponsor: Senator Valde Garcia (Senate Bill 721)
Senator Mike Goschka (Senate Bill 722)
Committee: Judiciary

Date Completed: 10-30-01

CONTENT

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

- That the Department of State Police's central records division maintain criminal history record information on people convicted in Michigan of criminal contempt.**
- That people arrested for or convicted of criminal contempt be fingerprinted.**

The bills are tie-barred.

Senate Bill 721

The fingerprinting law requires the commanding officer of the central records division to procure and file, for purposes of criminal identification, criminal history record information on people convicted in Michigan of a felony or a misdemeanor, or both. The bill would add people convicted of criminal contempt to that provision.

The fingerprinting law also requires that a law enforcement agency take a person's fingerprints immediately upon his or her 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 taken in duplicate and forwarded to the Department of State Police within 72 hours after the arrest.

In addition, if a person's fingerprints have not previously been taken and forwarded to the Department, a law enforcement agency must take a person's fingerprints if he or she is arrested for a misdemeanor violation of State law for which the maximum penalty is 93 days. A law enforcement agency also must take a person's fingerprints if he or she is arrested 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 a misdemeanor for which the maximum possible term of imprisonment is 93 days. If the person is convicted of any violation, the agency must take his or her fingerprints before sentencing, if not previously taken, and the court must forward to the agency a copy of the disposition of conviction. The agency then must forward the fingerprints and the copy of the disposition to the Department within 72 hours.

Under both those provisions, the bill would require fingerprinting if a person were arrested for criminal contempt.

Senate Bill 722

Under the Code of Criminal Procedure, upon 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 violation of State law that is a misdemeanor for which the maximum penalty is 93 days' imprisonment, the clerk of the court entering the disposition immediately must advise the Department of that disposition. The bill would add a final disposition of a charge of criminal contempt to that provision.

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

Legislative Analyst: P. Affholter

FISCAL IMPACT

Senate Bill 721

The bill 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

The bill 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.

Fiscal Analyst: B. Baker
B. 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.