

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 Bill 1028 (as enrolled)
House Bill 5858 (as enrolled)
Sponsor: Senator Thaddeus G. McCotter (Senate Bill 1028)
Representative Jennifer Faunce (House Bill 5858)
Senate Committee: Judiciary
House Committee: Criminal Justice

PUBLIC ACT 723 of 2002
PUBLIC ACT 722 of 2002

Date Completed: 1-15-03

RATIONALE

Maximum penalties for criminal violations are specified in statute. Typically, the maximum term of imprisonment and the maximum fine for a violation are indicated in the same provision that proscribes a particular criminal activity. With some crimes, however, the violation merely is designated as either a misdemeanor or felony, with no specified penalty. The Michigan Penal Code provides that the maximum penalty for a felony when no other penalty is indicated is up to four years' imprisonment and/or a fine of up to \$2,000. A misdemeanor for which no other penalty is indicated is punishable by up to 90 days' imprisonment and/or a maximum fine of \$100. Those penalties have been in place since at least the 1931 enactment of the Penal Code, and it was suggested that the fine amounts be increased.

originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The maximum fines that apply to a felony or a misdemeanor when no other amount is specified have remained at their current levels for over 70 years. While those amounts might have served as an adequate financial punishment and criminal deterrent when the Michigan Penal Code was enacted in 1931, they may be insufficient to serve those purposes today. Given the constantly changing value of money due to inflation, it stands to reason that dollar amounts specified in law, particularly as sanctions for prohibited activity, should periodically be increased to reflect that changing value.

Legislative Analyst: Patrick Affholter

CONTENT

Senate Bill 1028 and House Bill 5858 amend the Michigan Penal Code to increase the maximum fine that applies to a felony or misdemeanor for which no other punishment is prescribed.

For a misdemeanor, Senate Bill 1028 raises the maximum fine from \$100 to \$500. For a felony, House Bill 5858 raises the maximum fine from \$2,000 to \$5,000. The bills take effect on March 31, 2003.

MCL 750.504 (S.B. 1028)
750.503 (H.B. 5858)

ARGUMENTS

(Please note: The arguments contained in this analysis

FISCAL IMPACT

The bills will have no fiscal impact on the State.

The bills will have an indeterminate fiscal impact on local governments. To the extent that they raise penal fines, the bills will increase funds available to public libraries.

Fiscal Analyst: Bethany Wicksall

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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.