

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bills 1030, 1031, and 1036 (as reported without amendment)
Sponsor: Senator Thaddeus G. McCotter
Committee: Government Operations

Date Completed: 6-26-02

RATIONALE

The Senate Law Revision Task Force was established in June 1999 and asked to review existing State statutes and recommend the repeal or amendment of those laws that were found to be arcane and/or irrelevant to present-day life in Michigan. To identify such laws, the Task Force sought the input of the public, the law enforcement community, and various legal associations and entities, including the Michigan Law Revision Commission, the State Bar of Michigan, legislators, judges, and prosecutors. After review, the Task Force issued a report in December 1999, recommending that various laws or sections of laws be repealed, eliminated, or modified.

CONTENT

Senate Bill 1030 would repeal Sections 442 through 447 of the Michigan Penal Code, which make it a felony to be a party to or engage in a prize fight, or aid or abet prize fighting; provide that training a person to prize fight or carrying someone to a prize fight is aiding and abetting; make it a misdemeanor to attend a prize fight, enter into an agreement for a prize fight, or train someone for an out-of-State prize fight; provide that no one may be excused from testifying or producing evidence in an investigation or trial for a prize fighting offense; and specify that these provisions do not apply to any boxing, sparring, or wrestling matches conducted under Public Act 328 of 1919 (which is now Chapter 8 (Boxing) of the Occupational Code).

Senate Bill 1031 would delete provisions in the Code of Criminal Procedure under which a violation of Section 442 or 443 of the Penal Code is a Class G offense against the public order subject to a statutory maximum prison

term of four years. The bill is tie-barred to Senate Bill 1030.

Senate Bill 1036 would amend Public Act 255 of 1909, which regulates the use of the names and emblems of benevolent, humane, fraternal, or charitable organizations. The Act makes it illegal for a person to display on his or her motor vehicle any emblem or insignia of any organization, association, fraternity, lodge, club, or order, unless the vehicle owner is a member of that entity. Under the bill, this prohibition would apply to the emblem or insignia of a nonprofit organization or a fraternity, lodge, club, or order, and would not apply if the vehicle owner had made a contribution to the nonprofit organization or were a member of the fraternity, lodge, club, or order.

A violation of the Act is a misdemeanor punishable by a maximum fine of \$100 and/or up to 90 days' imprisonment.

MCL 750.442-750.447 (S.B. 1030)
777.16v (S.B. 1031)
430.53 (S.B. 1036)

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The bills would implement several recommendations of the Law Revision Task Force. According to its report, Michigan residents must be free from the threat of the State's arbitrarily enforcing laws that are arcane or irrelevant to modern life; residents must not be required to be aware of and abide

by laws that no reasonable person can know exist; and government resources should not be used to perpetuate and/or impose arcane or irrelevant laws upon the citizens. Currently, the Penal Code makes it illegal to attend, train a person for, or engage in, prize fighting, and the sentencing guidelines include the felony offenses. This means that many of the activities at boxing training centers, and certain boxing exhibitions are against the law under the Penal Code (unless they are permitted under the Occupational Code). Senate Bills 1030 and 1031 would repeal these provisions. Senate Bill 1036 would alter provisions in Public Act 255 of 1909 that make it a misdemeanor to display on a motor vehicle certain emblems or signs of sports teams or any other organization. Under the bill, the restriction would be more precise.

Legislative Analyst: George Towne

FISCAL IMPACT

Senate Bills 1030 and 1031 would have no fiscal impact on State or local government, assuming past years are representative of the future. According to the Department of Corrections Statistical Report, in 1999, there were no offenders convicted of or serving sentences for participating in or training for a prizefight.

Senate Bill 1036 would have no fiscal impact on the State and an indeterminate impact on local government. There are no data to indicate how many offenders are convicted of this offense each year. Local units would incur the cost of incarceration, and libraries receive the fine revenue.

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.