

# Legislative Analysis



## FALSE OR MISLEADING CRIME INFORMATION

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### House Bill 5026

**Sponsor: Rep. Gary Woronchak**

**Committee: Criminal Justice**

**Complete to 3-16-04**

## A SUMMARY OF HOUSE BILL 5026 AS INTRODUCED 8-13-03

The Michigan Penal Code prohibits a person from intentionally making a false report of the commission of a crime to a member of the Michigan State Police, a sheriff or deputy sheriff, a local police officer, or any other Michigan peace officer, knowing the report to be false. It is a misdemeanor offense punishable by not more than 93 days imprisonment and/or a fine of up to \$500 to falsely report a crime that is a misdemeanor and a felony punishable by not more than four years imprisonment and/or a fine up to \$2,000 to falsely report a crime that is a felony.

The bill would amend the code (MCL 750.411a) to also prohibit a person from intentionally causing a false report of the commission of a crime to be made. Additionally, the bill would change the current reference to law enforcement officials and expand the reference to include others who may lawfully receive crime reports. Under the bill, it would be a crime to make a false report of a crime to a peace officer, state or local police agency, 9-1-1 operator, or any other governmental employee or contractor, or employee of a contractor, who was authorized to receive reports of a crime.

It is also a felony offense to knowingly make a false report (and communicate that false report to any person) of a violation or attempted violation of Chapter XXXIII of the code (regarding explosives), Section 327 (death due to explosives), or Section 328 (bomb placed in a building that causes death of a person). The bill would include Sections 397a (harmful object placed in food) and 436 (mingling poisonous substances in food, water, or medications), and would expand the provision to prohibit the causing of the communication of the false report to be made to another person knowing that the report was false.

Furthermore, it is a felony to threaten to violate Chapter XXXIII, Section 327, or Section 328. The bill would include Sections 397a and 436, and would expand the provision to also prohibit causing the communication of the threat to be made to another person.

(The Michigan Penal Code defines a "peace officer" as a state or local police officer, a police officer of any entity of the U.S., a county sheriff or his or her deputy, a public safety officer of a college or university who is authorized by the governing board of that college or university to enforce state law and the rules and ordinances of that college or university, or a state or federal conservation officer.)

**FISCAL IMPACT:**

The bill is unlikely to have a significant fiscal impact even though it could potentially result in additional violations of the Penal Code's provisions and therefore impact revenue earmarked for local libraries and/or state and local correctional costs.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.