

Legislative Analysis



PENALTIES FOR WINDOW PEEPING

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House Bill 6181

Sponsor: Rep. Andrew Meisner

House Bill 6182

Sponsor: Rep. Sandra Caul

Committee: Criminal Justice

Complete to 11-30-04

A SUMMARY OF HOUSE BILLS 6181 AND 6182 AS INTRODUCED 9-9-04

Window peeping is one of the acts that constitutes being a disorderly person. As an unspecified misdemeanor (meaning that a penalty is not fixed by statute), a conviction would subject an offender to imprisonment up to 90 days, a fine of not more than \$500, or both.

House Bill 6181 would increase the term of imprisonment for window peeping and House Bill 6182 would place the maximum term of imprisonment for the felony-level offense within the sentencing guidelines. Specifically, the bills would do the following:

House Bill 6181 would add a new section to the Michigan Penal Code (MCL 750.168a) to specify that a person who entered onto the property of another person to window peep in violation of the prohibition in Section 167 (definition of a disorderly person) would be guilty of a misdemeanor punishable by imprisonment for not more than 93 days, a fine of not more than \$100, or both. A second or subsequent offense would be a felony punishable by imprisonment for not more than four years, a fine of not more than \$2,000, or both. These penalties would also apply to a violation of a local ordinance that substantially corresponded to Section 167.

A person could still be charged with, convicted of, and punished for a violation of the bill in addition to being charged with, convicted of, and punished for window peeping in violation of Section 167 or a similar local ordinance.

House Bill 6182 would amend the Code of Criminal Procedure (MCL 777.16i) to specify that a second or subsequent offense of trespassing for the purpose of window peeping would be a Class F felony against the Public Order with a maximum term of imprisonment of four years.

FISCAL IMPACT:

The bills would have an indeterminate fiscal impact on the state and local units of government. To the extent that misdemeanor convictions increased under HB 6181, local units of government could experience increased costs of misdemeanor probation

supervision and jail. Felony sanctions under the bill could increase costs for the state, which is responsible for felony probation supervision, and county jails. Penal fine collections under the bill could increase revenues for local libraries, which are the constitutionally-designated recipients of those revenues.

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