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BILL ANALYSIS

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House Bill 5026 (as passed by the House)
Sponsor: Representative Gary Woronchak
House Committee: Criminal Justice
Senate Committee: Judiciary

Date Completed: 4-20-04

CONTENT

The bill would amend the Michigan Penal Code to revise the prohibition against intentionally making a false crime report to a peace officer, by extending that provision to include a false report made to others authorized to receive crime reports. The bill also would expand the prohibition against making a false report or threat of an explosives offense, by including a false report or threat involving poisoning.

False Crime Report

Currently, the Code prohibits a person from intentionally making a false report of the commission of a crime to any of the following, knowing that the report is false:

- A member of the Michigan State Police.
- A sheriff or deputy sheriff.
- A city or village police officer.
- Any other Michigan peace officer.

The bill, instead, would prohibit intentionally making a false report of the commission of a crime, or intentionally causing a false crime report to be made, to any of the following, knowing that the report was false:

- A peace officer.
- A State or local police agency.
- A 9-1-1 operator.
- Any other governmental employee, contractor, or contractor's employee who was authorized to receive crime reports.

Under the Code, if the report is a false report of a misdemeanor, the violation is a misdemeanor punishable by up to 93 days' imprisonment, a maximum fine of \$500, or both. If the report is a false report of a felony, the violation is a felony punishable by up to four years' imprisonment, a maximum fine of \$2,000, or both. The bill would retain those penalties.

False Poisoning Report

The Code prohibits a person from knowingly making a false report of a violation or attempted violation of any of the following and communicating the false report to any other person:

- Chapter 33 (Explosives, Bombs, or Harmful Devices) of the Penal Code.
- Causing a death due to explosives (MCL 750.327).
- Causing a death due to placing explosives with intent to destroy a building or object (MCL 750.328).

The Code also prohibits threatening to violate those provisions and communicating the threat to any other person.

The bill would include in the offense knowingly making a false report or making a threat of the following violations:

- Placing a harmful object or substance in food or furnishing food that contains a harmful object or substance to another person (MCL 750.397a).
- Mingling poison or a harmful substance with food, drink, a nonprescription medicine, or a pharmaceutical product; placing poison or a harmful substance in a spring, well, reservoir, or public water supply; or maliciously informing another that a poison or harmful substance has been or will be placed in a food, drink, nonprescription medicine, pharmaceutical product, spring, well, reservoir, or public water supply, knowing that information to be false and that it is likely that the information will be disseminated to the public (MCL 750.436).

A first conviction is a felony punishable by up to four years' imprisonment, a maximum fine of \$2,000, or both; a second or subsequent conviction is punishable by up to 10 years' imprisonment, a maximum fine of \$5,000, or both. The bill would retain those penalties.

MCL 750.411a

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government.

According to the Department of Corrections Statistical Report, 310 offenders in 2001 were convicted of intentionally falsely reporting a crime. Of those, 28 received a prison term, 42 received a jail term, and 240 received probation and/or a fine. There are no data to indicate how many additional offenders would be convicted under the proposed revisions. Local units of government incur the cost of misdemeanor probation and the cost of incarceration in a local facility, both of which vary by county. The State incurs the cost of felony probation at an average annual cost of \$1,800, and the cost of incarceration in a State facility at an average annual cost of \$28,000.

Fiscal Analyst: Bethany Wicksall

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