

Legislative Analysis



HARBORING/CONCEALING A FUGITIVE

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Senate Bill 1146

Sponsor: Sen. Alan L. Cropsey

Senate Bill 1147

Sponsor: Sen. Gerald Van Woerkom

House Committee: Judiciary

Senate Committee: Judiciary

Complete to 5-30-06

A SUMMARY OF SENATE BILLS 1146 & 1147 AS PASSED BY THE SENATE 3-28-06

The bills would increase the maximum penalty for concealing or harboring a fugitive, prohibit and create misdemeanor and felony penalties for concealing or harboring a person who is subject to an arrest or bench warrant, and place the felony penalty within the sentencing guidelines.

Currently, it is a misdemeanor to knowingly or willfully conceal, or harbor for the purpose of concealment, a person who has escaped or is escaping from lawful custody. The penalty for a violation is imprisonment for not more than 90 days and/or a fine of not more than \$500.

Senate Bill 1146 would amend the Michigan Penal Code (MCL 750.199) to increase the maximum term of imprisonment for the above offense to not more than 93 days. The bill would also make it a misdemeanor to knowingly or willfully conceal or harbor for the purpose of concealment a person who was subject to an arrest warrant for a misdemeanor, subject to a bench warrant in a civil case, or subject to a bench warrant in a criminal case if the underlying crime charged was a misdemeanor or a civil infraction. A violation would be punishable by imprisonment for not more than 93 days and/or a fine of not more than \$500.

It would be a felony to knowingly or willfully conceal or harbor for the purpose of concealment a person who was the subject of an arrest warrant for a felony or a bench warrant in a criminal case if the underlying crime charged was a felony. A violation would be punishable by imprisonment for not more than four years and/or a \$5,000 fine.

The bill would take effect 90 days after enactment.

Senate Bill 1147 would amend the Code of Criminal Procedure (777.16j) to specify that harboring a person for whom a felony warrant has been issued is a Class F felony against the public safety with a maximum term of imprisonment of four years. The bill is tie-barred to Senate Bill 1146.

FISCAL IMPACT:

The bills' fiscal impact would depend on how they affected misdemeanor and felony convictions and sentences. Any increased costs of misdemeanor probation supervision or incarceration would be borne by local units of government; such costs vary by jurisdiction. Any increased costs of felony probation supervision or incarceration would be borne by the state. Parole and probation supervision averages about \$2,000 per supervised offender per year, while prison incarceration averages about \$30,000 per prisoner per year. Any increase in penal fine revenues could benefit local libraries, which are the constitutionally-designated recipients of those revenues.

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Marilyn Peterson

■ 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.