

# Legislative Analysis



## PEST INFESTATION AND PLANT DISEASE PENALTIES

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### House Bill 4560

Sponsor: Rep. Tim Moore

### House Bill 4562

Sponsor: Rep. Gary A. Newell

### House Bill 4561

Sponsor: Rep. Bill Caul

### House Bill 4567

Sponsor: Rep. Darwin Booher

Committee: Agriculture

Complete to 4-18-05

## A SUMMARY OF HOUSE BILLS 4560-4562, AND 4567 AS INTRODUCED 3-24-05

The bills would establish penalties related to violating quarantines and provisions related to plant infestations and plant diseases.

### House Bill 4560 (MCL 286.259 and 286.260)

The bill would amend Public Act 72 of 1945, which provides the Department of Agriculture with the authority to prevent the spread of insect pests and contagious plant diseases in the state, to impose certain penalties for violating a departmental rule or order issued under the act requiring the destruction of plants or establishing a quarantine area.

Violation	Fine	Imprisonment
Violate rule or order requiring the destruction of plants (civil infraction)	Up to \$1,000 + MDA expenses	None
Violate a quarantine rule or order (civil infraction)	\$1,000 - \$10,000. Up to \$500 if voluntarily reported to MDA	None
Knowingly violate a quarantine rule or order (misdemeanor)	\$1,000 - \$10,000	Up to 1 year
Intentionally violate a quarantine rule or order with purpose of causing damage (felony)	Up to \$250,000	Up to 5 years

In addition, a person who violates a quarantine rule or order would also be liable for any damages to plants, natural resources, or agricultural, silvicultural, or horticultural products.

### House Bills 4561 and 4567 (MCL 777.12m)

Both bills would amend the sentencing guidelines contained in Chapter XVII of the Code of Criminal Procedure to specify that an intentional violation of a quarantine or a permit relating to an insect pest or plant disease for which a quarantine has been issued (as specified in HB 4562) would be a Class B felony against the public order punishable by a maximum prison sentence of five years. [The reference in HB 4561 to MCL 285.228(6) should, instead, be MCL 286.228(6).] Additionally, House Bill 4567 would also specify

that an intentional violation of a quarantine rule or order (as specified in HB 4560) would also be a Class B felony against the public order punishable by a maximum prison sentence of five years.

### **House Bill 4562 (MCL 286.228 and 286.229)**

The Insect Pest and Plant Disease Act (Public Act 189 of 1931) regulates the sale and distribution of nursery stock, plants, and plant products in the state and provides the Department of Agriculture with the authority to prevent the introduction and spread of any insect pests and plant diseases within the state. The bill would establish penalties for certain violations of the act.

<b>Violation</b>	<b>Fine</b>	<b>Imprisonment</b>
Failing to eradicate nuisance plants, if licensed under the act (administrative fine); MCL 286.220	Up to \$1,000 + MDA expenses	None
Failing to eradicate nuisance plants, if not licensed under the act (civil infraction); MCL 286.220	Up to \$1,000+MDA expenses	None
Failing to obtain/comply with permit relating to plant subject to a quarantine, if licensed under the act (administrative fine); MCL 286.218	\$1,000 - \$10,000. Up to \$500 if voluntarily reported to MDA	None
Failing to obtain/comply with permit relating to plant subject to a quarantine, if not licensed under the act (civil infraction); MCL 286.218	\$1,000 - \$10,000. Up to \$500 if voluntarily reported to MDA	None
Knowingly failing to obtain/comply with permit relating to plant subject to a quarantine (misdemeanor) MCL 286.218	\$1,000 - \$10,000	Up to 1 year
Intentionally failing to obtain/comply with permit relating to plant subject to a quarantine with purpose of causing damage (felony); MCL 286.218	Up to \$250,000	Up to 5 years
Failing to comply with quarantine; MCL 286.223	\$1,000 - \$10,000. Up to \$500 if voluntarily reported to MDA	None
Knowingly failing to comply with quarantine (misdemeanor); MCL 286.223	\$1,000 - \$10,000	Up to 1 year
Intentionally failing to comply with quarantine with purpose of causing damage (felony); MCL 286.223	Up to \$250,000	Up to 5 years

In addition, a person who commits a violation would also be liable for any damages to plants, natural resources, or agricultural, silvicultural, or horticultural products

### **FISCAL IMPACT:**

The bills would have an indeterminate fiscal impact on the state and local units of government, depending on how they affected the numbers of people held responsible for state civil infractions, found guilty of misdemeanors, or found guilty of felonies. The

following table shows how the revenues and costs of various penalties would affect the state and local units of government.

<b>Responsible for/Guilty of:</b>	<b>Fine</b>	<b>Court-ordered Costs ("Minimum State Costs")</b>	<b>Costs of Incarceration</b>	<b>Costs of probation supervision</b>
<b>State Civil Infraction</b>	To local library	\$10 to state Justice system fund	Not applicable	Not applicable
<b>Misdemeanor</b>	To local library	\$40 to state Justice System Fund	County jail; costs vary by county	Local
<b>Felony</b>	To local library	\$60 to state Justice System Fund	Can be sentenced to jail or state prison. State prison: average appropriated FY 2004-05 cost of approximately \$29,000 per prisoner per year. Actual cost varies by location and security level.	State. Average FY 2004-05 cost of about \$5.42 per probationer per day, or \$1,977 annually.

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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.