

Legislative Analysis



USE OF PUBLIC RECORDS IN COMMISSION OF CRIME

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House Bill 4680
Sponsor: Rep. Lisa Wojno

House Bill 4681
Sponsor: Rep. Mike Nofs
Committee: Judiciary

Complete to 12-5-06

A SUMMARY OF HOUSE BILLS 4680 AND 4681 AS INTRODUCED 4-27-05

The bills would establish criminal penalties for use of a public record (as defined in the Freedom of Information Act) to commit or attempt to commit a crime.

House Bill 4680 would amend the Michigan Penal Code to make the use of a public record in the commission or attempt of a crime a misdemeanor, if the underlying crime was a misdemeanor, or a felony, if the underlying crime was a felony. The misdemeanor created by the bill would be punishable by imprisonment for up to 93 days (thereby triggering fingerprinting requirements), a fine of up to \$500, or both. The felony created by the bill would be punishable by imprisonment for up to five years, a fine of up to \$10,000, or both. The bill's penalties could be imposed in addition to any penalties for criminal offenses arising from the same conduct, or for any contempt of court arising from the same conduct.

MCL 750.492B

House Bill 4681 would amend the Code of Criminal Procedure to provide for sentencing guidelines for the felony to be created by House Bill 4680. The crime would be a Class E offense against the public trust. Recommended minimum sentence ranges for Class E offenses vary from 0 – 3 months, for which local sanctions are mandated, to 24 – 38 months, for which a prison sentence is required.

MCL 777.16x

FISCAL IMPACT:

The bills' fiscal impact would depend on how they affected convictions and sentences for misdemeanors and felonies; there are no data to indicate how many convictions might be obtained under the bills. Misdemeanors are a local responsibility, and thus an increase in the number of misdemeanor convictions could increase local costs of incarceration or misdemeanor probation supervision, both of which vary with jurisdiction. Additional felony convictions could increase state costs of prison incarceration, which currently

average about \$30,000 per prisoner annually, or felony probation supervision (state costs of parole and probation supervision average about \$2,000 per supervised offender annually). To the extent that more felons received jail sentences, the bills could increase local costs of incarceration. Any increase in collections of penal fines could benefit local libraries, which are the constitutionally-designated recipients of such revenues.

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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.