

Legislative Analysis



DISORDERLY CONDUCT AT FUNERALS

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

House Bill 5887

Sponsor: Rep. Judy Emmons

House Bill 5888

Sponsor: Rep. John Gleason

Committee: Veterans Affairs and Homeland Security

Complete to 3-27-06

A SUMMARY OF HOUSE BILLS 5887 AND 5888 AS INTRODUCED 3-16-06

House Bill 5887 would amend the Michigan Penal Code (MCL 750.168) to make it a felony to be a disorderly person within 500 feet of a funeral memorial service, the viewing of a deceased person, or a funeral procession or burial. The following would be prohibited:

- Making loud and raucous noise and continuing to do so after being asked to stop.
- Making any statement or gesture that would make a reasonable person under the circumstances feel intimidated, threatened, or harassed.
- Engaging in any other conduct that the person knows or should reasonably know will disturb, disrupt, or adversely affect the funeral, memorial service, viewing of the deceased person, funeral procession, or burial.

A first offense would be punishable by imprisonment for not more than two years and/or a fine of not more than \$5,000. If a person had previously been convicted of the crime, it would be punishable by up to four years imprisonment and/or a \$10,000 fine.

House Bill 5888 would amend the Code of Criminal Procedure (MCL 777.16i) to put the maximum terms of imprisonment into sentencing guidelines provisions.

FISCAL IMPACT:

The bills could increase state and local correctional costs, depending on how they affected prosecutorial charging practices, the numbers of felony convictions, and the severity of sentences imposed. The state could incur additional costs of prison incarceration, which currently averages about \$30,000 per prisoner per year, and probation oversight; parole/probation supervision averages about \$2,000 per supervised offender per year. Local units of government could incur increased costs of jail sentences for felons; jail costs vary from county to county. Any increase in collections of penal fine revenues could benefit local libraries, which are the constitutionally-designated recipients of such revenues.

Legislative Analyst: Chris Couch
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.