



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

**BILL ANALYSIS**

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bills 1146 and 1147 (as introduced 3-14-06)
Sponsor: Senator Alan L. Cropsey (S.B. 1146)
Senator Gerald Van Woerkom (S.B. 1147)
Committee: Judiciary

Date Completed: 3-20-06

CONTENT

Senate Bills 1146 and 1147 would amend the Michigan Penal Code and the Code of Criminal Procedure, respectively, to prescribe criminal penalties for knowingly or willfully concealing, or harboring for the purpose of concealment, a person who was subject to an arrest warrant or a bench warrant; and to include a felony offense in the sentencing guidelines.

Senate Bill 1147 is tie-barred to Senate Bill 1146.

Senate Bill 1146

Under the Michigan Penal Code, it is a misdemeanor for a person knowingly or willfully to conceal, or harbor for the purpose of concealment, a person who has escaped or is escaping from lawful custody. The offense is punishable by up to 90 days' imprisonment, a maximum fine of \$500, or both.

Under the bill, it would be a misdemeanor punishable by up to 93 days' imprisonment and/or a maximum fine of \$500 for a person knowingly or willfully to conceal, or harbor for the purpose of concealment, a person who was the subject of one or more of the following:

- An arrest warrant for a misdemeanor.
- A bench warrant in a civil case.
- A bench warrant in a criminal case, if the underlying crime charged were a misdemeanor or a civil infraction.

It would be a felony punishable by up to four years' imprisonment and/or a maximum fine of \$5,000 for a person knowingly or willfully to conceal, or harbor for the purpose of concealment, a person who was the subject of one or both of the following:

- An arrest warrant for a felony.
- A bench warrant in a criminal case, if the underlying crime charged were a felony.

The bill would take effect 90 days after it was enacted.

Senate Bill 1147

Under the bill, harboring a person for whom a felony warrant had been issued would be a Class F felony against the public safety, with a statutory maximum sentence of four years' imprisonment.

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of harboring a person for whom an arrest or bench warrant had been issued. To the extent that the proposed misdemeanor and the proposed felony would increase incarceration time for offenders convicted of harboring an individual, corrections costs would increase. For both the proposed felony and the proposed misdemeanor, local governments would incur the costs of incarceration in local facilities, which vary by county. An offender convicted of the Class F offense under the bills would receive a sentencing guidelines minimum sentence range of 0-3 months to 17-30 months. The State would incur the cost of felony probation at an annual average cost of \$2,000, as well as the cost of incarceration in a State facility at an average annual cost of \$30,000. Additional penal fine revenue would benefit public libraries.

Fiscal Analyst: Lindsay Hollander