



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

House Bill 4727 (Substitute S-1 as reported)
Sponsor: Representative Kevin Elsenheimer
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

The bill would amend the Code of Criminal Procedure to include the felony offense proposed by House Bill 4544 in the sentencing guidelines. Carrying or possessing a scanner in the commission of a crime would be a Class G felony against the public order, with a statutory maximum sentence of two years' imprisonment. The bill is tie-barred to House Bill 4544.

House Bill 4544 (S-1) would make it a felony to carry or possess a radio that received signals on a frequency reserved for law enforcement or emergency purposes, while committing or attempting to commit a crime with a maximum term of imprisonment of one year or more.

MCL 777.16x

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many individuals have been convicted of equipping a vehicle with or using a vehicle equipped with a police radio receiver without a permit. To the extent that some offenders may not have been aware of the permit requirement, some would avoid conviction for lacking such a permit under the bills. By prohibiting only those individuals who were not licensed amateur radio operators, and had been convicted of a felony during the preceding five years, from carrying or possessing a police radio receiver, the bill could reduce the number of individuals who would be convicted of the misdemeanor. However, broadening the statute to prohibit individuals from carrying or possessing such a radio while committing or attempting to commit a crime could increase the number of individuals convicted.

There are no data to indicate how many offenders would be convicted of the proposed felony. An offender convicted of the Class G offense would receive a sentencing guidelines minimum sentence range of 0-3 months to 7-23 months. For both the proposed felony and the proposed misdemeanor, local governments would incur the costs of incarceration in local facilities, which vary by county. 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.

Eliminating the requirement to obtain a permit from the State Police in order to equip a vehicle with a police radio receiver would result in annual administrative savings of approximately \$40,000 for the Department of State Police. During FY 2003-04, the Department issued 1,071 such permits.

Date Completed: 2-8-06

Fiscal Analyst: Bruce Baker, Lindsay Hollander

[floor/hb4727](#)

Bill Analysis @ www.senate.michigan.gov/sfa

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