



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



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

House Bill 5887 (Substitute S-1 as reported)
House Bill 5888 (Substitute S-1 as reported)
Sponsor: Representative Judy Emmons (H.B. 5887)
Representative John Gleason (H.B. 5888)
House Committee: Veterans Affairs and Homeland Security
Senate Committee: Senior Citizens and Veterans Affairs

CONTENT

House Bill 5887 (S-1) would amend the Michigan Penal Code to prohibit a person from doing any of the following within 500 feet of a building or other location where a funeral, memorial service, or viewing of a deceased person was being conducted, or within 500 feet of a funeral procession or burial:

- 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 knew or reasonably should know would disturb, disrupt, or adversely affect the funeral, memorial service, viewing, funeral procession, or burial.

House Bill 5888 (S-1) would amend the Code of Criminal Procedure to include disorderly conduct at a funeral in the sentencing guidelines. A violation would be a Class G felony against the public order with a statutory maximum sentence of two years' imprisonment.

The bills would take effect 90 days after their enactment and are tie-barred to each other. The bills also are tie-barred to Senate Bill 1171 (which would prescribe penalties for the offense) and Senate Bill 1229 (which would include a first offense and a subsequent offense in the sentencing guidelines).

Proposed MCL 750.167d (H.B. 5887)
MCL 777.16i (H.B. 5888)

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 offenders would be convicted of being a disorderly person within 500 feet of a funeral, funeral procession, or burial. An offender convicted of the Class G offense under the bills would receive a sentencing guidelines minimum sentence range of 0-3 months to 7-23 months. 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.

Date Completed: 4-27-06

Fiscal Analyst: Lindsay Hollander

[floor\hb5887](#)

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

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.