



Senate Fiscal Agency  
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**BILL ANALYSIS**

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House Bills 5887 and 5888 (as passed by the House)  
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

Date Completed: 4-26-06

**CONTENT**

**House Bills 5887 and 5888 would amend the Michigan Penal Code and the Code of Criminal Procedure, respectively, to do all of the following:**

- Prohibit certain conduct within 500 feet of a funeral, memorial service, viewing of a deceased person, funeral procession, or burial.**
- Prescribe felony penalties for violations.**
- Include the proposed felonies in the sentencing guidelines.**

House Bill 5888 is tie-barred to House Bill 5887.

**House Bill 5887**

The bill would 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.

A person who violated the bill would be a disorderly person and would be guilty of a felony punishable by up to two years' imprisonment, a maximum fine of \$5,000, or both. If an offender previously had been convicted of a violation of the bill, the felony would be punishable by up to four years' imprisonment, a maximum fine of \$10,000, or both.

**House Bill 5888**

The bill would include felony violations proposed by House Bill 5887 in the sentencing guidelines, as shown in Table 1.

Table 1

Violation	Felony Class & Category	Stat. Max. Sentence
Disorderly conduct at funeral	G - Public Order	2 years
Disorderly conduct at funeral - subsequent offense	F - Public Order	4 years

MCL 750.168 et al. (H.B. 5887)  
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. 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. 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.

Fiscal Analyst: Lindsay Hollander

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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.