



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 Bill 540 (Substitute S-2 as reported by the Committee of the Whole)
Sponsor: Senator Ron Jelinek
Committee: Judiciary

CONTENT

The bill would amend the Michigan Penal Code to prohibit a person from entering or remaining without lawful authority on another person's farm property without consent of the owner, and specifies that a request to leave those premises would not be a necessary element of that violation. The bill also would increase the maximum fine for trespassing.

The Code currently prohibits both of the following:

- Willfully entering upon another person's land or premises without lawful authority after having been forbidden to do so by the owner or occupant or his or her agent. (The bill would delete "willfully" from that prohibition.)
- Remaining without lawful authority on another person's land or premises after being notified to leave by the owner or occupant or his or her agent.

The bill also would prohibit a person from entering or remaining without lawful authority on another person's fenced or posted farm property without the consent of the owner or his or her lessee or agent. A request to leave the premises would not be a necessary element for a violation of the prohibition. This provision would not apply to a person who was in the process of attempting, by the most direct route, to contact the owner, lessee, or agent to request consent.

A trespassing violation is a misdemeanor punishable by up to 30 days' imprisonment and/or a maximum fine of \$50. The bill would increase the maximum fine to \$250.

The bill would take effect 90 days after its enactment.

MCL 750.552

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on local government. There are no data to indicate how many offenders would be convicted of the proposed offense. To the extent that the bill would increase convictions, local governments would incur increased costs of misdemeanor probation and incarceration in local facilities, which vary by county. Additional penal fine revenue would benefit public libraries.

Date Completed: 7-25-07

Fiscal Analyst: Lindsay Hollander