



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 565 (Substitute S-1 as reported)
Sponsor: Senator Jud Gilbert, II
Committee: Judiciary

CONTENT

The bill would amend the Michigan Penal Code to extend to shipping containers the Code's prohibitions against breaking and entering, and entering without breaking. The bill would take effect 180 days after its enactment.

Under the Code, it is a felony punishable by up to 10 years' imprisonment for a person to break and enter a tent, hotel, office, store, shop, warehouse, barn, granary, factory, or other building, structure, boat, ship, or railroad car, with intent to commit a felony or larceny in that place or structure.

It is a felony punishable by up to five years' imprisonment and/or a maximum fine of \$2,500 for a person to enter without breaking any dwelling, house, tent, hotel, office, store, shop, warehouse, barn, granary, factory, or other building, boat, ship, railroad car, or structure used or kept for public or private use, with intent to commit a felony or larceny in it.

The bill would include a shipping container in these provisions.

"Shipping container" would mean a standardized, reusable container for transporting cargo that is capable of integrating with a railcar flatbed or a flatbed semitrailer.

MCL 750.110 & 750.111

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of breaking and entering a shipping container or entering a shipping container without breaking. It is possible that offenders committing this offense could already be prosecuted under this section. To the extent that offenders are not currently prosecuted under this section but would be under the bill, 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 \$31,000. Additional penal fine revenue would benefit public libraries.

Date Completed: 9-12-07

Fiscal Analyst: Lindsay Hollander