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Senate Bill 949 (as reported without amendment)

Sponsor: Senator Randy Richardville

Committee: Senior Citizens and Veterans Affairs

CONTENT

The bill would amend the Michigan Penal Code to extend the prohibition and penalties for damaging or destroying a tomb or memorial to a war memorial or war monument; and increase the maximum fines, and include community service in the penalties, in cases in which the total damage was less than \$1,000.

The Code prohibits a person from willfully destroying, mutilating, defacing, injuring, or removing a tomb, monument, gravestone, or other structure or thing placed or designed for a memorial of the dead. The bill also would refer to a war memorial and war monument.

The Code includes graduated penalties for a violation, based on the monetary value of the total damage and the offender's prior convictions. Under the bill, for a violation involving damage of less than \$200, the maximum fine would increase from \$500 or three times the amount of damage to \$1,000 or three times the amount of damage. If a violation involved damage of \$200 or more but less than \$1,000, or damage of less than \$200 when the offender had one or more prior convictions, the maximum fine would increase from \$2,000 or three times the amount of damage to \$5,000 or three times the amount of damage.

A violation involving damage of less than \$200 also would be punishable by up to 100 hours of community service. A violation involving damage of \$200 or more but less than \$1,000, or damage of less than \$200 when the offender had one or more prior convictions, also would be punishable by up to 200 hours of community service. In either case, if the damaged property were a war memorial or war monument, the community service would have to be performed in a veterans home or for a veterans service organization.

MCL 750.387 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 an offense involving a war memorial or war monument, or an offense involving damage of less than \$1,000. An individual convicted of an offense involving damage of less than \$1,000 would be subject to increased fines and up to 200 hours of community service, as well as a jail term of up to one year. Local governments would incur the costs of incarceration in local facilities, which vary by county. Any additional penal fine revenue collected would benefit public libraries.

Date Completed: 11-10-09 Fiscal Analyst: Matthew Grabowski