



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 19 (as reported without amendment)
Sponsor: Senator Rick Jones
Committee: Judiciary

(as passed by the Senate)

Date Completed: 2-4-11

RATIONALE

In at least one instance in recent years, an organized group staged a protest at a religious service in Michigan. In November 2008, a disruptive protest occurred at a Lansing-area church during its worship service, when a group objecting to the church's stance on homosexuality interrupted a worship service by unfurling a banner, shouting, and throwing fliers, according to news media reports. While Michigan law already prohibits and prescribes a criminal penalty for disrupting a worship service, some people believe that the criminal penalty for the violation should be increased.

CONTENT

The bill would amend the Michigan Penal Code to revise the prohibition against disturbing religious meetings, and to prescribe criminal penalties for first and subsequent violations.

Under the Code, a person who willfully interrupts or disturbs any assembly of people for the worship of God, either within the place of the meeting or outside of it, is guilty of a misdemeanor.

The bill, instead, would prohibit a person from willfully interrupting or disturbing any assembly of people meeting for religious purposes within a building used for religious purposes and clearly identified as such by a posted sign or other means, whether the disturbance itself was within the building in which the meeting was held or outside of it. The bill also would prohibit a person from willfully and physically obstructing any

individual's entry into the building with intent to deny that person access to the assembly, or willfully and physically obstructing any individual's egress from the building.

The Code does not specify a penalty for a violation of the current prohibition. (Under Section 504 of the Code, a misdemeanor for which no punishment is prescribed is punishable by up to 90 days' imprisonment and/or a maximum fine of \$500.)

A person who violated the bill would be guilty of a misdemeanor punishable by one or more of the following:

- Up to 93 days' imprisonment.
- A maximum fine of \$1,000.
- Up to 100 hours of community service.

If the person had previously been convicted of this offense, the misdemeanor would be punishable by one or more of the following:

- Up to 93 days' imprisonment.
- A maximum fine of \$5,000.
- Up to 200 hours of community service.

The bill would take effect 90 days after its enactment.

MCL 750.169

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Freedom of religion is one of the basic rights protected under the U.S. Constitution. People should be able to conduct and participate in worship services without fear of intimidation or disruption. Any infringement upon a person's ability to worship in the manner and at the venue he or she chooses should be penalized appropriately. Indeed, Michigan law long has prohibited the disturbance of religious meetings. In light of events at an Eaton County church in 2008, however, the penalty for disturbing a religious service may not be adequate to deter that activity.

In November 2008, a group known as "Bash Back" reportedly disrupted a worship service at the Mt. Hope Church in Delta Township. While some members of the group picketed outside the church, others evidently attended the service and, at a certain point, unfurled a banner, dropped leaflets, yelled at churchgoers, and pulled a fire alarm. When police responded to the incident, those who protested inside the church had already disbursed and no arrests were made.

While the Penal Code prohibits the disturbance of religious meetings, the penalty is a minor one: up to 90 days' imprisonment and/or a maximum fine of \$500. By increasing the penalty to a maximum of 93 days, \$1,000, and/or 100 hours of community service, and increasing the maximum fine and community service for repeat violations, the bill would allow for offenders to be punished more appropriately and could serve as a stronger deterrent against the kinds of actions experienced at the Eaton County church.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State government and an indeterminate impact on local units of government. There are no data to indicate how many offenders would be convicted of the revised offense. Local governments would incur the costs of incarceration in local facilities, which vary by county. Additional penal fine revenue would benefit public libraries.

Fiscal Analyst: Matthew Grabowski

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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.