



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 4284 (Substitute H-1 as passed by the House)
House Bill 4745 (as passed by the House)
Sponsor: Representative Bruce Rendon (H.B. 4284)
Representative Kurt Damrow (H.B. 4745)
House Committee: Military and Veterans Affairs and Homeland Security
Senate Committee: Veterans, Military Affairs, and Homeland Security

Date Completed: 10-10-11

CONTENT

House Bill 4284 (H-1) would amend the Michigan Penal Code to revise the prohibition against engaging in certain disruptive actions within 500 feet of a building or other location where a funeral, memorial service, or viewing of a deceased person is being conducted or within 500 feet of a funeral procession or burial.

House Bill 4745 would amend the Code of Criminal Procedure to revise sentencing guidelines descriptions for violations of the prohibitions addressed by House Bill 4284 (H-1).

House Bill 4745 is tie-barred to House Bill 4284.

House Bill 4284 (H-1)

The Penal Code prohibits 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 is 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 knows or reasonably should know will disturb, disrupt, or adversely affect the funeral, memorial service, viewing, funeral procession, or burial.

The bill instead would prohibit all of the following in those areas:

- Making any statement or gesture or engaging in any conduct that would make a reasonable person attending that funereal, memorial service, viewing, procession, or burial under the circumstances feel intimidated, threatened, or harassed and that made any person attending that funeral, service, viewing, procession, or burial feel intimidated, threatened, or harassed.
- Making any statement or gesture or engaging in any conduct intended to incite or produce an imminent breach of the peace among those attending that funeral, memorial

service, viewing, or burial or traveling in that procession, and that caused an imminent breach of the peace among those attending that funeral, service, viewing, or burial or traveling in that procession.

- Making any statement or gesture or engaging in any conduct that was intended to, and did, disrupt the funeral, memorial service, viewing, procession, or burial.

The bill also would prohibit a person from intentionally obstructing, hindering, impeding, or blocking another person's entry to or exit from a funeral, memorial service, viewing of a deceased person, funeral procession, or burial. This prohibition, however, would not apply to a person conducting or assisting in conducting the funeral, service, viewing, procession, or burial.

A person convicted of committing the current offense is guilty of a felony punishable by up to two years' imprisonment, a maximum fine of \$5,000, or both. If an offender has a previous conviction for the offense, the penalty is up to four years' imprisonment, a maximum fine of \$10,000, or both. The bill would retain those penalties for the revised prohibitions.

House Bill 4745

Under the sentencing guidelines, disorderly conduct at a funeral is a Class G felony against the public order, with a statutory maximum penalty of two years' imprisonment. A subsequent offense for disorderly conduct at a funeral is a Class F felony against the public order, with a statutory maximum penalty of four years' imprisonment.

Under the bill, those sentencing guidelines descriptions would refer to disorderly conduct at a funeral, memorial service, viewing, procession, or burial.

MCL 750.167d (H.B. 4284)
777.16i (H.B. 4745)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have an indeterminate, but likely negligible, fiscal impact on State and local government. To the extent that the additional prohibitions on conduct at memorial services, funerals, and processions led to an increase in violations, the State and local units of government could incur increased correctional costs. 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 \$2,500, as well as the cost of incarceration in a State facility at an average annual cost of \$34,000. 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.