

Legislative Analysis



PENALTY FOR VANDALIZING TRAFFIC CONTROL DEVICES

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<http://www.house.mi.gov/hfa>

House Bill 4187 as introduced
Sponsor: Rep. Fred Durhal, III
Committee: Criminal Justice
Complete to 3-16-15

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

The bill would add a misdemeanor offense to the Michigan Penal Code for maliciously destroying, defacing, or removing a traffic control device or other devices that regulate traffic or that provide information to drivers.

House Bill 4187 adds a new section to the Penal Code to make it a one-year misdemeanor (with higher fines for repeat offenses) for willfully and maliciously damaging, destroying, injuring, defacing, dismantling, or removing a traffic control device, light post, sign, or other device placed by the State of Michigan or by a local unit of government for the purpose of regulating vehicle traffic, maintaining highway safety, or providing information to motor vehicle operators.

The penalty for a violation would be as follows:

- First offense: imprisonment for not more than one year and/or a fine of not more than \$500.
- Second offense: imprisonment for not more than one year and/or a fine of not more than \$1,000.
- Third or subsequent offense: imprisonment for not more than one year and/or a fine of not more than \$10,000.

This added section of law would not prohibit an individual from being charged with, convicted of, or sentenced for any other violation of law committed by the individual in lieu of being charged with, convicted of, or sentenced for the violation of this section.

[Note: The Michigan Vehicle Code prohibits a person without lawful authority to attempt to or in fact alter, deface, injure, knock down, or remove any traffic-control device or railroad sign or signal or any inscription, shield, or insignia upon a traffic-control device or railroad sign or part thereof (MCL 257.616). Since Section 616 does not prescribe a specific penalty, a violation would therefore fall under the code's general penalty provision—a misdemeanor punishable by imprisonment for not more than 90 days and/or a fine of not more than \$100 (MCL 257.901).]

MCL 750.377d, proposed

FISCAL IMPACT:

To the extent that the bill results in a greater number of convictions, it would increase costs on local correctional systems. New misdemeanor convictions would increase costs related to county jails and/or local misdemeanor probation supervision. The costs of local incarceration in a county jail and local misdemeanor probation supervision vary by jurisdiction. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally-designated recipients of those revenues.

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