



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383  
Fax: (517) 373-1986

Senate Bill 265 (as introduced 4-15-15)  
Sponsor: Senator Goeff Hansen  
Committee: Outdoor Recreation and Tourism

Date Completed: 5-11-15

### **CONTENT**

**The bill would amend Article 12 (Environmental Health) of the Public Health Code to provide that the actions of a governmental entity would constitute the exercise or discharge of a governmental function if the entity made available to the public safety and rescue equipment at a water body within its jurisdiction, and provided for the equipment's maintenance, inspection, and replacement. The bill also would extend criminal penalties to an individual who illegally tampered with or took a marine safety device owned by the State or a local unit.**

The Code requires the owner or person in charge of a public bathing beach to provide suitable and adequate safety and rescue equipment and means of communication with outside sources when it is open to bathers. The bill instead provides that if a governmental entity made available to the public suitable and adequate safety and rescue equipment for the protection of individuals at a water body within its jurisdiction, and if the entity established a reasonable maintenance, inspection, and replacement schedule for the equipment, those actions would constitute the exercise or discharge of a governmental function. The bill specifies that a public swimming pool would not be included in the term "water body".

Also, under the bill if a person unlawfully tampered with, took, or removed a marine safety device owned by the State or a political subdivision of the State, knowing or having reason to know that it was a marine safety device, the person would be subject to the penalties prescribed in Section 498b of the Michigan Penal Code. (Section 498b provides that a person who unlawfully tampers with, takes, or removes a marine safety device is guilty of a misdemeanor punishable by imprisonment for up to 93 days, a fine of up to \$1,000, or both. If the action renders the device unavailable or unusable for rescue when needed, and the person in need of rescue suffers a serious impairment of a body function or death, the individual is guilty of a felony punishable by imprisonment for up to 15 years, a fine of up to \$10,000, or both.)

MCL 333.12542

Legislative Analyst: Ryan M. Bergan

### **FISCAL IMPACT**

The bill could result in a cost to the State's corrections budget. For any new felony convictions, in the short term, the marginal cost to State government would be approximately \$4,100 per additional prisoner per year. Over the long term, the marginal cost to State government would be approximately \$31,100 per additional prisoner per year. With any increase in the number of felony or misdemeanor cases, costs to local courts and law enforcement could increase. Additionally, any increase in collected fine revenue would be dedicated to public libraries.

Fiscal Analyst: John Maxwell

S1516\S265sa

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.