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BILL



ANALYSIS

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House Bill 4187 (Substitute H-3 as reported without amendment)

Sponsor: Representative Fred Durhal, III

House Committee: Criminal Justice

Senate Committee: Judiciary

### **CONTENT**

The bill would amend the Michigan Penal Code to prohibit and prescribe graduated misdemeanor penalties for a person who willfully and maliciously damaged, destroyed, injured, defaced, dismantled, tampered with, or removed a traffic control device. As shown in Table 1, the penalty would depend on the number of prior convictions a person had for this offense. In each case, the violation would be punishable by imprisonment, a fine, or both.

Table 1

Prior Convictions	Max. Imprisonment	Max. Fine
0	93 days	\$500
1	180 days	\$1,000
2 or more	1 year	\$10,000

The bill would define "traffic control device" as a sign, signal, electronic traffic control sign or signal, marking, light post, railroad sign or signal, or device not inconsistent with the Michigan Vehicle Code, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic, maintaining highway safety, or providing information to motor vehicle operators.

The bill also would repeal Section 616 of the Michigan Vehicle Code. Under Section 616, a person may not, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any traffic control device or any railroad sign or signal or an inscription, shield, or insignia that is on or a part of such a signal. (Under the Michigan Vehicle Code's "default penalty", a violation is a misdemeanor punishable by a maximum fine of \$100, imprisonment for up to 90 days, or both.)

The bill would take effect 90 days after its enactment.

Proposed MCL 750.377d

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bill would have a negative fiscal impact on State and local government. An increase in misdemeanor arrests and convictions could place incremental resource demands on local court systems, law enforcement, probation offices, and jails. Any associated increase in fine revenue would be dedicated to public libraries.

Date Completed: 3-2-16

Fiscal Analyst: Ryan Bergan

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Bill Analysis @ [www.senate.michigan.gov/sfa](http://www.senate.michigan.gov/sfa)

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