



Senate Fiscal Agency  
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BILL



ANALYSIS

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House Bill 4187 (Substitute H-3 as passed by the House)  
Sponsor: Representative Fred Durhal, III  
House Committee: Criminal Justice  
Senate Committee: Judiciary

Date Completed: 2-29-16

### **CONTENT**

**The bill would amend the Michigan Penal Code to prohibit and prescribe graduated misdemeanor penalties for willfully and maliciously damaging or removing a traffic control device.**

**The bill also would repeal a section of the Michigan Vehicle Code that prohibits damaging or removing a traffic control device.**

The bill would take effect 90 days after its enactment.

#### **Proposed Prohibition & Penalties**

Under the bill, a person who willfully and maliciously damaged, destroyed, injured, defaced, dismantled, tampered with, or removed a traffic control device would be guilty of a misdemeanor punishable 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 not prohibit a person from being charged with, convicted of, or sentenced for any other violation of law arising out of the same transaction as a violation of the bill, in addition to being charged with, convicted of, or sentenced for a violation described above.

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.

#### **Repeal of Existing Prohibition**

Under Section 616 of the Michigan Vehicle Code, 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. (A violation of the Michigan Vehicle Code is a misdemeanor unless is it designated a felony or a civil infraction. If another penalty is not specified, a misdemeanor violation of the Code is punishable by a maximum fine of \$100, imprisonment for up to 90 days, or both.)

The bill would repeal Section 616.

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.

Fiscal Analyst: Ryan Bergan