



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

BILL



ANALYSIS

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

House Bill 4711 (as passed by the House)  
Sponsor: Representative Michael Webber  
House Committee: Criminal Justice  
Senate Committee: Judiciary

Date Completed: 9-22-15

### **CONTENT**

**The bill would amend the Code of Criminal Procedure to delete a provision requiring the detention of a prisoner until his or her fines and costs are paid.**

**The bill also would repeal laws dealing with all of the following:**

- **Sentencing a person to solitary confinement and/or hard labor.**
- **Assembling or rebuilding a battery from used battery parts, for sale, without labeling it as "rebuilt".**
- **Keeping a person sentenced to hard labor constantly employed.**

The bill would take effect 90 days after its enactment.

#### **Detention until Payment of Fines**

The Code specifies that if an offense is punishable by imprisonment and a fine, the court may impose either imprisonment or a fine. It also provides that if an offense is punishable by fine or imprisonment, the court may impose both the fine and imprisonment, at its discretion.

If the court imposes a fine, costs, and imprisonment in a State prison, the offender must be detained in the prison until the fine and costs are paid, but not longer than the additional time expressed in the sentence for the nonpayment of the fine and costs. The bill would delete that provision.

#### **Repeal of Laws**

Under Section 2 of Chapter IX of the Code, a court that sentences a person to State prison or a county jail may order the person to be kept in solitary confinement and/or at hard labor during the term of imprisonment or any specific portion of that term. The bill would repeal Section 2.

Public Act 217 of 1933 makes it a misdemeanor to assemble or rebuild an electric storage battery out of second-hand or used battery parts, and to sell it or offer it for sale without the word "rebuilt" branded into the container in letters at least one inch high and five-eighths of an inch wide. The bill would repeal Public Act 217.

Section 9 of Chapter 171 of the Revised Statutes of 1846 requires jail keepers to keep prisoners sentenced to hard labor constantly employed during every day, except Sunday, and

annually account to the county board of commissioners for the proceeds of prisoners' labor. The bill would repeal Section 9.

MCL 769.5 et al.

Legislative Analyst: Patrick Affholter

**FISCAL IMPACT**

Under the bill, local government would save court costs and costs of incarceration due to the repeal of misdemeanors, to the extent they are currently enforced. Public libraries would no longer receive fine revenue, if any is collected for these offenses. The bill would have no fiscal impact on the State.

Fiscal Analyst: John Maxwell

S1516\4711sa

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.