



Senate Fiscal Agency
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BILL



ANALYSIS

Telephone: (517) 373-5383
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House Bill 4998 (as reported without amendment)

Sponsor: Representative Tom Barrett

House Committee: Law and Justice

Senate Committee: Judiciary

CONTENT

The bill would amend the Michigan Penal Code to include in the definition of "peace officer" a railroad police officer.

The Penal Code prohibits an individual who is not a peace officer from performing the duties of a peace officer, or representing to another person that he or she is a peace officer for any unlawful purpose or with the intent to compel the person to do or refrain from doing any act against his or her will.

An individual who violates any of those prohibitions is guilty of a misdemeanor punishable by imprisonment for up to one year or a fine of up to \$1,000, or both.

An individual who, in violation of the Code, performs the duties of a peace officer to commit or attempt to commit a crime or represents to another person that he or she is a peace officer to commit or attempt to commit a crime is guilty of a felony punishable by up to four years' imprisonment or a fine of not more than \$5,000, or both.

The bill would include in the definition of "peace officer" a railroad police officer appointed, commissioned, and acting as provided in Section 367 of the Railroad Code. (That section permits the MSP Director to, upon application of a company owning, leasing, using, or operating a railroad company in Michigan, appoint and commission a person to act as a police officer for the company. A person appointed to be a railroad police officer must be at least 18 years of age or older and must have completed at least 440 hours of training, which must be certified by the Michigan Commission on Law Enforcement Standards.)

MCL 750.215

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill could have a negative fiscal impact on the State and local government. It is not known whether the bill would lead to more misdemeanor and felony convictions, but it would not lead to a reduction. More felony arrests and convictions could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. For any increase in prison intakes, in the short term, the marginal cost to State government is approximately \$5,315 per prisoner per year. The average cost to State government for felony probation supervision is approximately \$3,024 per probationer per year. Any associated increase in fine revenue would increase funding to public libraries.

Date Completed: 11-28-18

Fiscal Analyst: Abbey Frazier

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Bill Analysis @ www.senate.michigan.gov/sfa

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