

Legislative Analysis



MAIL AND MAIL DEPOSITORY PROTECTION ACT

Phone: (517) 373-8080

<http://www.house.mi.gov/hfa>

Senate Bill 23 (proposed substitute H-1)

Sponsor: Sen. Jim Runestad

Analysis available at

<http://www.legislature.mi.gov>

Senate Bill 24 (proposed substitute H-1)

Sponsor: Sen. Peter J. Lucido

House Committee: Judiciary

Senate Committee: Judiciary and Public Safety

Complete to 6-10-19

BRIEF SUMMARY:

Senate Bill 23 would create a new act, the Mail and Mail Depository Protection Act, to prohibit certain conduct regarding mail that is addressed to another person and establish criminal penalties, including enhanced penalties for repeat offenses, for a violation of the act.

Senate Bill 24 would place the felony penalties for a violation of the new act within the sentencing guidelines.

Each bill would take effect 90 days after its enactment.

DETAILED SUMMARY:

Senate Bill 23 would create the Mail and Mail Depository Protection Act to prohibit a person from taking hold [of], concealing, or destroying mail addressed to another person with the intent to defraud any person or deprive the person to whom the mail was addressed of the mail.

The bill would apply whether an individual whose mail was obtained, or attempted to be obtained, was alive or deceased at the time of the violation.

Mail would mean a letter, postcard, package, bag, or other article or thing contained therein, or other sealed article addressed to a person.

Person would mean an individual, partnership, corporation, limited liability company, association, or other legal entity.

A violation of the act that was a first offense would be a misdemeanor punishable by imprisonment for up to one year or a fine of up to \$500, or both.

A second or subsequent violation would be a felony punishable by imprisonment for up to five years or a fine of up to \$1,000, or both.

A person could be charged with, convicted of, or sentenced for any other violation of law committed by that person using mail obtained in violation of the act or any other violation of law committed by that person while violating or attempting to violate the act.

Senate Bill 24 would amend the Code of Criminal Procedure to place the felony penalty provision of the new act within the sentencing guidelines. Under the bill, a second or subsequent offense of mail theft would be a Class E felony against the public order with a maximum term of imprisonment of five years.

Senate Bill 24 is tie-barred to SB 23, which means that it could not take effect unless SB 23 were also enacted.

MCL 777.14h

FISCAL IMPACT:

Senate Bill 23 would have an indeterminate fiscal impact on the state and on local units of government, as the bill could lead to an increase in the number of individuals convicted of misdemeanors and/or felonies. Information is not available on the number of persons who might be convicted under provisions of the bill. Any new felony convictions would result in increased costs related to state prisons and state probation supervision if the convictions result in imprisonment. In fiscal year 2018, the average cost of prison incarceration in a state facility was roughly \$38,000 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$3,700 per supervised offender in the same year. Those costs are financed with state general fund/general purpose revenue. New misdemeanor convictions would result in increased costs related to county jails and/or local misdemeanor probation supervision if the convictions result in imprisonment. Costs of local incarceration in county jails and local misdemeanor probation supervision, and how those costs are financed, vary by jurisdiction. Any fiscal impact on the judiciary and local court systems would depend on how provisions of the bill affected caseloads and related administrative costs. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally designated recipients of those revenues.

Senate Bill 24 is a companion bill to Senate Bill 23 and amends sentencing guidelines. The bill would have not have a direct fiscal impact on the state or on local units of government.

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