

Legislative Analysis



IMPERSONATING A CENSUS TAKER

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House Bill 5411 (H-1) as reported from committee

Sponsor: Rep. Alex Garza

Committee: Judiciary

Complete to 5-19-20

Analysis available at
<http://www.legislature.mi.gov>

BRIEF SUMMARY: House Bill 5411 would amend the Michigan Penal Code to prohibit a person from impersonating a census taker under certain circumstances.

FISCAL IMPACT: House Bill 5411 would have an indeterminate fiscal impact on the state and on local units of government. The number of convictions that would result under provisions of the bill is not known. New misdemeanor convictions would increase costs related to county jails and/or local misdemeanor probation supervision. Costs of local incarceration in county jails and local misdemeanor probation supervision, and how those costs are financed, vary by jurisdiction. The fiscal impact on local court systems would depend on how the bill affected caseloads and related administrative costs. Any increase in penal fine revenue would increase funding for public and county law libraries, which are the constitutionally designated recipients of those revenues.

THE APPARENT PROBLEM:

According to committee testimony, bad actors wishing to defraud individuals under the guise of being a United States Census worker are unable to be properly prosecuted because there are no specific laws against impersonating a census taker to defraud an individual. Other laws have been used to prosecute such individuals, yet those penalties do not properly address the specific issue. The bill would provide law enforcement officers and prosecutors with the tools they need to properly address falsely impersonating a census taker for the purpose of defrauding an individual.

THE CONTENT OF THE BILL:

House Bill 5411 would amend chapter XXXV (False Personation) of the Michigan Penal Code to prohibit a person from impersonating a census taker under certain circumstances. Specifically, under the bill, a person who falsely represented that he or she was a census taker with the intent to interfere with the operation of the census, to obtain information, or to obtain consent to an otherwise unlawful search or seizure would be guilty of a misdemeanor punishable by imprisonment for up to one year or a fine of up to \$1,000, or both.

The bill would take effect 90 days after its enactment.

Proposed MCL 750.217i

BACKGROUND INFORMATION:

Article I, Section 2 of the United States Constitution mandates that the federal government count its population every 10 years. According to the United States Census Bureau, this has been practiced since 1790.¹ The census results have an impact on congressional and legislative districts, federal and state funding, and business and community decisions, all of which have significant and lasting impacts.

To combat fraud, the United States Census Bureau provides tips and information to help citizens avoid online or in-person scams.² According to its website, in-person census workers will have a unique ID badge, and their identity can be confirmed by calling the Bureau. Additionally, the Bureau stresses that they will never ask for an individual's Social Security number, for bank account or credit card numbers, for anything on behalf of a political party, or for money or donations.

ARGUMENTS:

For:

Supporters of the bill argue that the United States Census is mandatory for individuals to complete and a process that is vital in several ways to our community, so protections and assurances that an individual's private information will be safeguarded are needed. Being able to properly prosecute individuals who are attempting to acquire personal information under the guise of doing census work will ultimately increase participation by helping citizens feel protected in their interactions with bona fide census takers.

Against:

No arguments were against the bill were presented in committee.

POSITIONS:

The following organizations indicated support for the bill:

- Michigan Townships Association (5-6-20)
- Michigan Nonprofit Association (5-13-20)
- Michigan Municipal League (5-13-20)

Legislative Analyst: Emily S. Smith
Fiscal Analyst: Robin Risko

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

¹ <https://2020census.gov/en.html>.

² <https://2020census.gov/en/avoiding-fraud.html>.