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House Bill 5315 (Substitute H-1 as passed by the House)  
Sponsor: Representative John N. Damoose  
House Committee: Transportation  
Senate Committee: Transportation and Infrastructure

Date Completed: 6-15-22

### **CONTENT**

**The bill would amend the Michigan Penal Code to do the following:**

- **Modify the definition of "key facility" to include specified bridges and each international crossing in the State, if the portions of those facilities not open to the public or intended for public use were posted with signage prescribed by the Code.**
- **Specify that it would not be a defense against prosecution for the unpermitted entry onto a key facility if the facility were intended or designed to be completely enclosed but that, during normal operating hours, the barrier that enclosed it was left open for the completion of official business, if the key facility were posted with signage prescribed by the Code.**

Under the Code, a person may not intentionally and without authority or permission enter or remain upon premises or a structure belonging to another person that is a key facility if the key facility is completely enclosed by a physical barrier of any kind, including, but not limited to, a significant water barrier that prevents pedestrian access, and is posted with specified signage. Instead, under the bill, an individual could not intentionally and without authority or permission enter or remain upon premises or a structure belonging to another person that was a key facility.

The Code defines "key facility" as one or more of the following: 1) a chemical manufacturing facility; 2) a refinery; 3) an electric utility facility prescribed by the Code; 4) a water intake structure or water treatment facility; 5) a natural gas utility facility prescribed by the Code; 6) a gasoline, propane, liquid natural gas, or other fuel terminal or storage facility; 7) a transportation facility; 8) a pulp or paper manufacturing facility; 9) a pharmaceutical manufacturing facility; 10) a hazardous waste storage, treatment, or disposal facility; 11) a telecommunications facility; or 12) a facility substantially similar to a facility structure described above or a resource required to submit a risk management plan under Federal law.

Instead, under the bill, "key facility" would mean the following:

- Any of the facilities described above, if the facility were completely enclosed by a physical barrier of any kind, including, but not limited to, a significant water barrier that prevented pedestrian access, and if posted with certain signage.
- A movable bridge within the State, the Mackinac Bridge, the Zilwaukee Bridge, the Rouge River Bridge, the MacArthur Bridge, and each international crossing in the State, if portions of the facility not open to or intended for public use were posted with signage.

The bill specifies that each international crossing in the State would include the Ambassador Bridge, the Blue Water Bridge, the Detroit-Windsor Tunnel, the Gordie Howe International Bridge, and the International Bridge.

(The signage required by the Code must be posted in a conspicuous manner against entry and have a minimum letter height on the posting of one inch. Each sign must be at least 50 square inches and also must be spaced to enable an individual to observe at least one sign at any point of entry.)

An individual who violates the above prohibition is guilty of a felony punishable by up to four years' imprisonment or a fine of not more than \$2,500, or both. The bill specifies it would not be a defense to a prosecution that a key facility that was intended or designed to be completely enclosed but that, during normal operating hours, the barrier that enclosed the key facility was left open for the completion of official business at the key facility, if the key facility were posted with signage described above.

MCL 750.552c

Legislative Analyst: Tyler P. VanHuyse

### **FISCAL IMPACT**

The bill would have a negative fiscal impact on the State and local government. New felony arrests and convictions under the bill could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. However, it is unknown how many people would be prosecuted under the bill's provisions. The average cost to State government for felony probation supervision is approximately \$4,200 per probationer per year. For any increase in prison intakes, in the short term, the marginal cost to State government is approximately \$5,600 per prisoner per year. Any additional revenue from imposed fines would go to local libraries.

Fiscal Analyst: Joe Carrasco, Jr.

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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.