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Senate Bill 71 (Substitute S-1 as passed by the Senate)

Sponsor: Senator John N. Damoose

Committee: Civil Rights, Judiciary, and Public Safety

Date Completed: 3-27-25

## **RATIONALE**

The current penalty for trespassing on the Mackinac Bridge is a misdemeanor punishable by up to 30 days imprisonment or a maximum fine of \$250, or both. According to testimony before the Senate Committee on Civil Rights, Judiciary, and Public Safety, the bridge is essential for commerce and transportation between the Upper and Lower peninsulas with an average of over 350,000 vehicles crossing monthly during 2024.<sup>1</sup> Some believe that the current penalty does not go far enough to protect the safety and security of the bridge from trespassers or threats, such as an unsubstantiated bomb threat made in 2021 which closed the bridge for several hours for security sweeps (see **BACKGROUND**). Accordingly, it has been suggested to designate the bridge as a key facility to ensure that trespassers face a felony for a violation.

## **CONTENT**

**The bill would amend the Michigan Penal Code to prohibit an individual from intentionally and without permission entering or remaining on the nonpublic premises of the Mackinac Bridge.**

Specifically, the Code prescribes a felony punishable by up to four years' imprisonment or a maximum fine of \$2,500, or both, to a person who intentionally and without permission enters or remains on premises or structures that are designated as key facilities. For this prohibition to apply, the facility must be completely enclosed by a physical barrier, such as a water barrier preventing pedestrian access, and have conspicuous signage posted against entry.

Currently, "key facility" means one or more of the following:

- A chemical manufacturing facility.
- A refinery.
- An electric utility facility.
- A water intake structure or water treatment facility.
- A natural gas utility facility.
- Gasoline, propane, liquid natural gas, or other fuel terminal or storage facility.
- A transportation facility, including a port, railroad switching yard, or trucking terminal.
- A pulp or paper manufacturing facility.
- A pharmaceutical manufacturing facility.
- A hazardous waste storage, treatment, or disposal facility.
- A telecommunications facility, including a central office or cellular telephone tower site.

<sup>1</sup> "Monthly Traffic Statistics", Mackinac Bridge Authority. <https://www.mackinacbridge.org/fares-traffic/monthly-traffic-statistics/>. Retrieved 3-19-25.

Instead, under the bill, "key facility" would mean the structures described above and the portions of the Mackinac Bridge that were not open to or intended to be used by the public as a key facility, if the facility were completely enclosed by a physical barrier of any kind, including a significant water barrier that prevented pedestrian access, and if posted with certain signage.<sup>2</sup>

The bill specifies that it would not be a defense to a prosecution that during normal operating hours, the barrier that enclosed the key facility was left open for official business at that facility.

MCL 750.552c

### **PREVIOUS LEGISLATION**

*(This section does not provide a comprehensive account of previous legislative efforts on this subject matter.)*

The bill is a similar reintroduction of House Bill 5315 of the 2021-2022 Legislative Session. House Bill 5315 passed the House and was reported from the Senate Committee on Transportation and Infrastructure but received no further action.

### **BACKGROUND**

In July 2021, law enforcement notified the Mackinac Bridge Authority (MBA) of a bomb threat to the bridge. The bridge was closed for three hours on both sides delaying transportation and was thoroughly swept for signs of the threat which was ultimately determined as unsubstantiated.<sup>3</sup> Following the bomb threat and investigation, the MBA passed a resolution designating trespassing on the Mackinac Bridge as a risk for operations and the traveling public and asking lawmakers to designate it as a key facility.<sup>4</sup>

### **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

#### **Supporting Argument**

Designating the Mackinac Bridge as a key facility is essential to deter trespassing on the bridge. In February 2021, Isaac Kendall Wright was charged with trespassing on the Mackinac Bridge after he activated an alarm climbing on one of its towers to take photographs from the top. The photographs went viral on social media.<sup>5</sup> According to testimony before the Senate Committee on Civil Rights, Judiciary, and Public Safety, social media posts encourage this type of trespassing, sometimes known as urban exploration, and the misdemeanor penalty does not do enough to deter copycats, including two copycats in 2021. Individuals trespassing on the bridge risk their own lives, the lives of travelers, and potentially the lives of emergency personnel if needed. Increasing the penalty for trespassing from a misdemeanor to a felony

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<sup>2</sup> 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 must be spaced to enable an individual to observe at least one sign at any point of entry.

<sup>3</sup> "Bomb Threats Prompt Updated Security Check of Mackinac Bridge", MLive, <https://www.mlive.com/public-interest/2021/08/bomb-threats-prompt-updated-security-check-of-mackinac-bridge.html> Retrieved 3-19-25.

<sup>4</sup> "Mackinac Bridge Authority Resolution Supports Key Facility Designation, Felony for Trespassing", Michigan Department of Transportation, <https://www.michigan.gov/mdot/news-outreach/pressreleases/2022/07/21/mackinac-bridge-authority-resolution-supports-key-facility-designation-felony-for-trespassing> Retrieved 3-19-25.

<sup>5</sup> "Ohio Man Charged with Trespassing for Climbing Mackinac Bridge", Detroit Free Press, <https://www.freep.com/story/news/local/michigan/2021/02/19/ohio-man-trespassing-mackinac-bridge/4509626001/> Retrieved 3-19-25.

by designating the Mackinac Bridge as a key facility would deter urban explorers and other trespassers.

Legislative Analyst: Eleni Lionas

### **FISCAL IMPACT**

The bill would have a small indeterminate fiscal impact on the State. The bill would impose a penalty of up to four years in prison and/or a fine of up to \$2,500 for entering and remaining on the premises of the Mackinac Bridge. The number of people that violated the law would likely be very small. If fines were imposed as opposed to prison time, this could have a positive fiscal impact on the State through the increased revenue. If prison time were imposed as opposed to a fine, this would have a negative fiscal impact on the State, through increased incarceration costs. If a prison sentence and a fine were imposed it would likely have a negative fiscal impact as the cost of incarceration would outweigh the revenue from the fine.

The bill would have an indeterminate but likely negative fiscal impact on the State and local governments. 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 provisions of the bill. The average cost to State government for felony probation supervision is approximately \$5,600 per probationer per year. For any increase in prison intakes the average annual cost of housing a prisoner in a State correctional facility is an estimated \$48,700. Per diem rates range from \$100 to \$431 per day (average per diem is \$135), depending on the security level of the facility. Any associated increase in fine revenue would increase funding to public libraries.

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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.