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Senate Bills 154 and 155 (Substitute S-2 as reported)
Sponsor: Senator Mallory McMorrow
Committee: Civil Rights, Judiciary, and Public Safety

CONTENT

Senate Bill 154 (S-2) would enact the "Access to Health Facilities Act" to do the following:

- Prohibit an individual from threatening, intimidating, or interfering with another individual obtaining or providing reproductive health services.
- Prohibit an individual from intentionally damaging or destroying the property of a health facility because that facility provided reproductive health services.
- Prescribe misdemeanor and felony penalties for violating the prohibitions described above based on the frequency and severity of the violation.
- Allow the Department of the Attorney General, a prosecuting attorney, or an attorney for a local unit of government to bring a civil action to enjoin a violation under the Act and for compensatory damages to individuals aggrieved by such violations.
- Allow an individual or entity aggrieved by a violation to bring a civil action to enjoin the violation and for compensatory damages and punitive damages.
- Specify that the Act's penalties would not apply to a parent or legal guardian of a minor insofar as the activities were directed exclusively at the minor.

Senate Bill 155 (S-2) would amend the sentencing guidelines of the Code of Criminal Procedure to include felony penalties proposed by Senate Bill 154 (S-2).

Senate Bill 155 is tie-barred to Senate Bill 154. Each bill would take effect 90 days after its enactment.

MCL 777.13n (S.B. 155)

BRIEF RATIONALE

The Federal Freedom of Access to Clinic Entrances (FACE) Act was enacted in 1994 and generally prohibits interference with individuals seeking or providing reproductive health services, among other things.¹ In January 2025, four Michigan activists were Federally pardoned for convictions of physically blocking access to a reproductive health clinic.² According to testimony before the Senate Committee on Civil Rights, Judiciary, and Public Safety, protections under the FACE Act are no longer effective in protecting individuals seeking reproductive health care and it has been suggested to enact State level legislation to establish such protections.

Legislative Analyst: Eleni Lionas

¹ "Freedom of Access to Clinic Entrances & Places of Religious Worship", U.S. Department of Justice, <https://www.justice.gov/crt/freedom-access-clinic-entrances-places-religious-worship>, Retrieved 6-9-25.

² "Trump Pardons 4 Convicted Activists Who Blockaded Sterling Heights Abortion Clinic", Detroit Free Press. <https://www.freep.com/story/news/local/michigan/2025/01/24/trump-pardons-michigan-pro-life-activists-sterling-heights-abortion-clinic/77918216007/>, Retrieved 6-9-25.

FISCAL IMPACT

Senate Bill 154 (S-2)'s criminal penalties could have a negative fiscal impact on State and local government. Violations of the proposed Act would be punishable as misdemeanors and felonies of different severity. More misdemeanor and felony arrests and convictions could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. Misdemeanor convictions could increase county jail and local probation supervision costs, which vary by jurisdiction and are thus indeterminate. Based on 2025 data, the average cost to State government for felony probation supervision is approximately \$4,800 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 \$49,900. Per diem rates range from \$107 to \$328 per day (average per diem is \$137), depending on the security level of the facility. Additionally, any associated fine revenue would increase funding to public libraries.

The bill would have an indeterminate fiscal impact on State and local units of government. The fiscal impact on local courts and prosecutors' offices would depend on the volume of cases and civil actions resulting from the bills. It is likely that existing appropriations would be sufficient to meet these needs. Similarly, the cost to the Attorney General, local prosecutors, and local governments that brought a civil action to enjoin a violation under the bill would depend upon the number of such actions undertaken by those respective entities. It is probable that there would be a limited number of qualifying instances and that existing appropriations would be sufficient.

Senate Bill 155 (S-2) would have no fiscal impact on local government and an indeterminate fiscal impact on the State, in light of the Michigan Supreme Court's July 2015 opinion in *People v. Lockridge*, in which the Court ruled that the sentencing guidelines are advisory for all cases. This means that the addition to the guidelines under the bill would not be compulsory for the sentencing judge. As penalties for felony convictions vary, the fiscal impact of any given felony conviction depends on judicial decisions.

Date Completed: 6-9-25

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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.