

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA**BILL ANALYSIS**

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 1041 (Substitute S-1 as reported by the Committee of the Whole)

Senate Bill 1042 (Substitute S-2 as reported by the Committee of the Whole)

Sponsor: Senator Joanne G. Emmons

Committee: Judiciary

CONTENT

Senate Bills 1041 (S-1) and 1042 (S-2) would amend the Michigan Penal Code and the Code of Criminal Procedure, respectively, to revise window peeping penalties, make the offense a felony if the victim were a minor or if the offender used a camera or video recorder, and include that felony offense in the sentencing guidelines. The bills would take effect 90 days after their enactment. Senate Bill 1042 (S-2) is tie-barred to Senate Bill 1041.

Under the Penal Code, a person is considered to be a disorderly person if he or she meets any of several conditions, which include being a window peeper. Senate Bill 1041 (S-1) specifies that a person would be a disorderly person if he or she peeped into another person's residence, regardless of whether he or she committed a trespass or was on public or private property, or if he or she peeped into an area where individuals would reasonably be expected to disrobe, including a restroom, bath, shower, dressing room or bedroom. "Peep" would mean any looking of a clandestine, surreptitious, or prying nature.

Being a disorderly person is a misdemeanor, punishable by up to 90 days' imprisonment and/or a maximum fine of \$100. Under the bill, peeping would be punishable by up to one year's imprisonment, a maximum fine of \$500, or both. If the victim were under 18 years of age or the offender used a camera or video recording device, the violation would be a felony punishable by up to four years and/or \$2,000.

Senate Bill 1042 (S-2) would include the proposed felony of disorderly person by peeping in the Code of Criminal Procedure's sentencing guidelines. The violation would be listed as a Class F felony against the public order with a statutory maximum sentence of four years' imprisonment.

MCL 750.167 & 750.168 (S.B. 1041)
777.16i (S.B. 1042)

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government. There are no statewide data on the number of offenders convicted of disorderly conduct, the age of window peeping victims, or how many offenders could be convicted of peeping, as newly defined. Local units receive fine revenues or incur incarceration costs for misdemeanors as well as felonies with terms of incarceration less than 13 months.

The minimum sentencing range for a Class F offense is 0-3 months to 17-30 months. Assuming that five offenders a year were convicted of felony peeping, and received the highest minimum sentence, given that the average cost of incarceration in a State institution is \$22,000 per year, the cost to the State would increase \$275,000. If the offender received the lower minimum sentence, local units would incur the cost of incarceration or intermediate sanctions.

Date Completed: 4-11-00

Fiscal Analyst: K. Firestone