

Senate Fiscal Agency  
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BILL ANALYSIS

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Senate Bills 1041 and 1042 (as introduced)  
Sponsor: Senator Joanne G. Emmons  
Committee: Judiciary

Date Completed: 3-14-00

## **CONTENT**

**Senate Bills 1041 and 1042 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, and include that felony offense in the sentencing guidelines.** The bills would take effect 90 days after their enactment, and Senate Bill 1042 is tie-barred to Senate Bill 1041.

### **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. One of those conditions is being a window peeper. The bill specifies that window peeping would constitute being a disorderly person regardless of whether the person was trespassing or was on public or private property at the time of the violation.

The Penal Code provides that being a disorderly person is a misdemeanor with no specified penalty (which means that it is punishable by up to 90 days' imprisonment and for a maximum fine of \$100). Under the bill, however, being a disorderly person by virtue of window peeping would be a misdemeanor punishable by up to one year's imprisonment, a maximum fine of \$500, or both, if the victim were 18 years of age or older. If the victim of the window peeping were under 18 years of age, the violation would be a felony punishable by up to four years' imprisonment, a maximum fine of \$2,000, or both.

### **Senate Bill 1042**

The bill would include in the Code of Criminal Procedure's sentencing guidelines provisions the felony offense of window peeping, as proposed by Senate Bill 1041. 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**

Senate Bills 1041 and 1042 would have an indeterminate fiscal impact on State and local government.

There are no statewide data available on the number of offenders convicted of the misdemeanor crime of disorderly conduct, or the age of victims of window peeping. Also, there are no data available to indicate how many offenders could be convicted of window peeping, as newly defined. Local units of government receive the fine revenues or incur the costs of incarceration for misdemeanor offenses as well as felony offenses with terms of incarceration less than 13 months.

The minimum sentencing range for a Class F offense (which would apply to window peeping involving a victim under 18) is 0-3 months to 17-30 months.

If one assumed that five offenders a year were convicted of window peeping involving a victim under 18 years of age, 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 for incarcerating these felons. If the offender received the lower minimum sentence, local units of government would incur the cost of incarceration or intermediate sanctions.

Fiscal Analyst: K. Firestone