

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 Bills 1093, 1094, 1144, 1152, and 1153 (as passed by the Senate)

Sponsor: Senator Thaddeus G. McCotter

Committee: Government Operations

Date Completed: 1-9-01

RATIONALE

The Senate Law Revision Task Force was established in June 1999 and asked to review existing State statutes and recommend the repeal or amendment of those laws that were found to be arcane and/or irrelevant to present-day life in Michigan. To identify such laws, the Task Force sought the input of the public, the law enforcement community, and various legal associations and entities, including the Michigan Law Revision Commission, the State Bar of Michigan, legislators, judges, and prosecutors. After review, the Task Force issued a report in December 1999, recommending that various laws or sections of laws be repealed or eliminated.

CONTENT

The bills would repeal various laws or delete statutory provisions, as described below.

Senate Bills 1093 & 1094

Senate Bill 1093 would repeal four sections of the Michigan Penal Code, as follows:

- Section 171, which provides that anyone who engages in or challenges another to fight in a duel with a deadly weapon is guilty of a felony.
- Section 172, which makes it a misdemeanor for anyone to accept a challenge to duel, or help in arranging or promoting a duel.
- Section 173, which provides that it is a misdemeanor to post or advertise in writing reproachful or contemptuous language to or about any other person for not accepting a challenge to duel.
- Section 173a, which provides that fencing as a sport is not a violation of the above prohibitions when face masks and other protective clothing are worn.

Senate Bill 1094 would amend the Code of Criminal Procedure to remove from sentencing guidelines violations of Section 171 of the Michigan Penal Code. The bill is tie-barred to Senate Bill 1093.

Senate Bill 1144

The bill would amend Public Act 12 of 1925, which provides for the alteration of State trunk line highways, to eliminate a provision that allows the State highway commissioner, with the approval of the State Administrative Board, to widen or alter any trunk line highway.

Senate Bills 1152 & 1153

Senate Bills 1152 and 1153 would repeal Public Act 98 of 1927 and Public Act 191 of 1955, respectively, which authorize the construction of a bridge between the cities of Menominee, Michigan, and Marinette, Wisconsin, across the Menominee River.

MCL 750.171 et al. (S.B. 1093)
777.16i (S.B. 1094)
250.112 (S.B. 1144)
254.121-254.123 (S.B. 1152)
254.131 (S.B. 1153)

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

Senate Bill 1093 would eliminate provisions in the Michigan Penal Code that make it a felony to engage in or challenge another to a duel, and a misdemeanor to accept a challenge to duel or promote a duel. Aside from the fact that duels are no longer fought, there are other more comprehensive statutes that deal with assault, homicide, and manslaughter that could be applied to the participants if a duel were fought. Thus, the provisions regarding duels could be eliminated.

Further, the statutes that authorize the construction

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of a bridge between Michigan and Wisconsin across the Menominee River are no longer needed, since the bridge has been built. Thus, Senate Bills 1152 and 1153 would repeal these statutes.

Senate Bill 1144 would eliminate a provision that allows the State highway commissioner to widen and alter any truckline highway. The State no longer has a highway commissioner, and the authority to alter State highways is now delegated under the Michigan Transportation Fund act.

Legislative Analyst: G. Towne

FISCAL IMPACT

Senate Bills 1093 & 1094

The bills would have an indeterminate fiscal impact on State and local government. According to the 1998 Department of Corrections Statistical Report, no one was convicted of or serving time for a sentence for dueling, a Class E felony crime with a 10-year maximum sentence. The sentencing guideline recommendation range is from 0-3 months to 24-38 months. If an offender scored at the lower end of this minimum sentence range, local units of government would have incurred the costs of incarceration.

Also, there are no data available to indicate how many offenders may be convicted each year of accepting or abetting a duel or posting a notice of nonacceptance of a duel. Local units of government would receive the fine revenue and/or incur the cost of incarceration for these misdemeanor crimes.

Senate Bills 1144, 1152, & 1153

The bills would have no fiscal impact on State or local government.

Fiscal Analyst: K. Firestone
C. Thiel