

Senate Fiscal Agency
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Senate Bills 1371 and 1372 (as introduced 9-26-00)
 Sponsor: Senator Joel D. Gougeon
 Committee: Families, Mental Health and Human Services (Senate Bill 1371)
 Judiciary (Senate Bill 1372)

Date Completed: 9-27-00

CONTENT

Senate Bills 1371 and 1372 would amend the Michigan Penal Code and the Code of Criminal Procedure, respectively, to specify criminal penalties for impersonating a Family Independence Agency (FIA) employee and to include that proposed felony in the sentencing guidelines. Senate Bill 1372 is tie-barred to Senate Bill 1371.

Senate Bill 1371

The bill would prohibit a person who was not employed by the FIA from informing another person, or representing to another person by identification or any other means, that he or she was an FIA employee with the intent to do or attempt to do one or more of the following:

- Gain entry to a residence, building, structure, facility, or other property.
- Remain in or upon a residence, building, structure, facility, or other property.
- Gain access to financial account information.
- Commit a crime.
- Obtain information to which the person was not entitled under Section 7 of the Child Protection Law (MCL 722.627). (That section requires the FIA to maintain a statewide, electronic registry pertaining to child abuse and neglect allegations and investigations, and restricts who may have access to confidential information in the registry.)
- Gain access to a person under the age of 18 or a "vulnerable adult". ("Vulnerable adult" would mean an individual 18 or older who, because of age, developmental disability, mental illness, or disability lacked the cognitive skills required to manage his or her property, whether or not determined by a court to be an incapacitated person in need of protection.)

A violation of the bill would be a felony, punishable by up to two years' imprisonment, a maximum fine of \$1,000, or both.

Senate Bill 1372

Under the bill, impersonating an FIA employee would be categorized in the sentencing guidelines as a Class H felony against the public order, with a statutory maximum sentence of two years' imprisonment, as proposed by Senate Bill 1371.

Proposed MCL 750.217e (S.B. 1371)
 MCL 777.16l (S.B. 1372)

Legislative Analyst: P. Affholter

FISCAL IMPACT

Senate Bills 1371 and 1372 would have an indeterminate fiscal impact on State and local government.

There are no data to indicate how many offenders would be convicted of impersonating an FIA employee. The felony would be a Class H offense which carries a sentencing guidelines recommendation ranging from 0-1 months to 5-17 months. The cost of incarceration would be incurred by local units of government, because the sentencing guideline recommendations are less than 18 months. Costs of incarceration vary among the counties.

Fiscal Analyst: K. Firestone