



**House
Legislative
Analysis
Section**

House Office Building, 9 South
Lansing, Michigan 48909
Phone: 517/373-6466

**INCREASE FINES FOR UNSPECIFIED
FELONIES AND MISDEMEANORS**

**House Bill 5858 as enrolled
Public Act 722 of 2002
Sponsor: Rep. Jennifer Faunce**

**Senate Bill 1028 as enrolled
Public Act 723 of 2002
Sponsor: Sen. Thaddeus G. McCotter**

**House Committee: Criminal Justice
Senate Committee: Judiciary**

Second Analysis (12-30-02)

THE APPARENT PROBLEM:

Maximum penalties for criminal violations are specified in statute. Typically, the maximum term of imprisonment and the maximum fine for a violation are indicated in the same provision that proscribes a particular criminal activity. With some crimes, however, the violation merely is designated as either a misdemeanor or felony, with no specified penalty. The Michigan Penal Code provides that the maximum penalty for a felony when no other penalty is indicated is up to four years' imprisonment and/or a fine of up to \$2,000. The maximum penalty for a misdemeanor when no other penalty is indicated is imprisonment for not more than 90 days, a fine of not more than \$100, or both. These penalties have not been revised since the 1931 enactment of the penal code. Some people feel that the fine amount for unspecified felonies and misdemeanors should be increased.

THE CONTENT OF THE BILLS:

House Bill 5858 would amend the Michigan Penal Code (MCL 750.503) to increase the maximum fine for an unspecified felony offense from \$2,000 to \$5,000. The bill is tie-barred to Senate Bill 1028.

Senate Bill 1028 would amend the penal code (MCL 750.504) to increase the maximum fine for an unspecified misdemeanor from \$100 to \$500.

Therefore, under the bills, the penalty for a felony for which no other punishment was specifically fixed by statute would be imprisonment for up to four years, a fine of not more than \$5,000, or both; the penalty for

a misdemeanor would be imprisonment for up to 90 days, a fine of not more than \$500, or both.

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the bills' provisions could increase penal fine revenues, which are constitutionally dedicated to local libraries. (5-17-02)

ARGUMENTS:

For:

The bills would merely increase the maximum allowable fine limit for felony and misdemeanor offenses that do not already have a specific penalty fixed by statute. The current fine limit was set decades ago, and if revised by statute, would appear ridiculously low. Therefore, to continue to be an effective deterrent, the fine amounts need to be increased. Further, since penal fine revenue is mandated by the state constitution to fund libraries, the state and county libraries would benefit greatly from the additional funding.

Analyst: S. Stutzky

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.