

ASSAULT, MISLEAD POLICE: PENALTIES



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FISCAL ANALYSIS

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HOUSE BILL 5440 SUBSTITUTE H-2

Sponsor: Rep. Jennifer Faunce

First House Committee: Criminal Justice

FLOOR ANALYSIS - 2/13/02

Analyst(s): Marilyn Peterson

HOUSE BILL 5441 SUBSTITUTE H-1

Sponsor: Rep. Larry Julian

Committee: Criminal Justice

HOUSE BILL 5442 SUBSTITUTE H-2

Sponsor: Rep. Jerry O. Kooiman

Committee: Criminal Justice

HOUSE BILL 5443 SUBSTITUTE H-2

Sponsor: Rep. Raymond Basham

Committee: Criminal Justice

HOUSE BILL 5444 SUBSTITUTE H-2

Sponsor: Rep. Jim Howell

Committee: Criminal Justice

SUMMARY

In general, the bills would clarify and strengthen penalties applicable to obstructing or assaulting peace officers or other law enforcement personnel. Depending on how the bills affected prosecutorial charging practices, numbers of convictions, and lengths of sentences, they could increase state or local correctional costs. Penal fine revenues could increase under the bills; such revenues are constitutionally dedicated to local libraries.

ADDITIONAL INFORMATION

House Bill 5440 would amend the Michigan Penal Code to establish special felony penalties for assaulting a peace officer.

House Bill 5441 would amend the Code of Criminal Procedure to establish sentencing guidelines for the felonies to be created by HB 5440.

House Bill 5442 would amend the portion of the penal code that prohibits obstruction or assault of police or certain other law enforcement personnel; the bill would exclude assault of a peace officer, clarify and expand application of the statute with regard to other authorities, and establish graduated felony penalties for obstruction or assault that included certain other elements, such as inflicting serious injury.

House Bill 5444 would amend the penal code to create a 93-day misdemeanor for knowingly giving false information to a peace officer, and to establish felony penalties for someone who knowingly assisted a fugitive under certain circumstances. The bill also allow a court to order someone who knowingly gave false information to a peace officer to reimburse the government for its prosecutorial and emergency response costs.

House Bill 5443 would amend the Code of Criminal Procedure to establish sentencing guidelines for the felonies to be created by House Bills 5442 and 5444.