

Senate Fiscal Agency
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Senate Bill 1028 (as passed by the Senate)
Sponsor: Senator Thaddeus G. McCotter
Committee: Judiciary

Date Completed: 2-21-02

RATIONALE

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. A misdemeanor for which no other penalty is indicated is punishable by up to 90 days' imprisonment and/or a maximum fine of \$100. Those penalties have not been revised since at least the 1931 enactment of the Penal Code, and some people believe that the fine amounts should be increased.

CONTENT

The bill would amend the Michigan Penal Code to increase the maximum fine in the penalty that applies to a felony or misdemeanor for which no other punishment is prescribed.

For a felony, the bill would raise the maximum fine from \$2,000 to \$5,000. For a misdemeanor, the bill would raise the maximum fine from \$100 to \$500.

MCL 750.503 & 750.504

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

The maximum fines that apply to a felony or

a misdemeanor when no other amount is specified have remained at their current levels for over 70 years. While those amounts might have served as an adequate financial punishment and criminal deterrent when the Michigan Penal Code was enacted in 1931, they may be insufficient to serve those purposes today. Given the constantly changing value of money due to inflation, it stands to reason that dollar amounts specified in law, particularly as sanctions for prohibited activity, should periodically be increased to reflect that changing value. The maximum fines for committing a felony or misdemeanor when no punishment is specifically prescribed for the violation should be raised.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on the State.

The bill would have an indeterminate fiscal impact on local governments. To the extent that it would raise penal fines, the bill would increase funds available to public libraries.

Fiscal Analyst: Bethany Wicksall

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.

