
Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 5495 (Substitute H-1 as reported without amendment)

Sponsor: Representative Jim Howell

House Committee: Criminal Justice

Senate Committee: Judiciary

CONTENT

The bill would amend the Michigan Penal Code to do all of the following:

- Define "terrorist organization" in Chapter 83-A of the Code, the "Michigan Anti-Terrorism Act" proposed by Senate Bill 930.
- Specify that Chapter 83-A would not prohibit a person from being charged with, convicted of, or sentenced for any other violation of law that arose out of the same criminal transaction as a violation of that chapter.
- Prohibit a prosecuting agency from prosecuting any person or seizing any property under Chapter 83-A for conduct presumptively protected by the First Amendment to the U.S. Constitution in a manner that violated any constitutional provision.

Under the House bill, "terrorist organization" would mean an organization that, on the bill's effective date, was designated by the U.S. State Department as engaging in or sponsoring an act of terrorism.

The bill would take effect on May 1, 2002, and is tie-barred to Senate Bill 930.

Proposed MCL 750.543c et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. To the extent that the bill would allow a person to be charged with multiple offenses for the same activity, it could increase the sentences of those convicted, thereby increasing State and local criminal justice costs.

Date Completed: 3-6-02

Fiscal Analyst: Bethany Wicksall