

Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

House Bill 5495 (Substitute H-1 as passed by the House)  
Sponsor: Representative Jim Howell  
House Committee: Criminal Justice  
Senate Committee: Judiciary

Date Completed: 3-5-02

### **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 violations for the same offense, it could increase the sentences of those convicted, thereby increasing State and local criminal justice costs.

Fiscal Analyst: Bethany Wicksall

S0102\S5495sa

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.