

Legislative Analysis



CREATE A PUBLIC THREAT NOTIFICATION SYSTEM

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5442 (proposed H-1 substitute)
Sponsor: Rep. Brandt Iden

Analysis available at
<http://www.legislature.mi.gov>

House Bill 5449 (proposed H-1 substitute)
Sponsor: Rep. Jon Hoadley
Committee: Communications and Technology
Complete to 4-12-16

SUMMARY:

House Bill 5442 would create a new act, the "Public Threat Alert System Act." This act would relate to notifications that would be delivered during emergencies, including active shooter situations, and would make falsely reporting a public threat a felony.

House Bill 5449 would classify that new felony as a Class F felony and add it to the Code of Criminal Procedure. The two bills are tie-barred, meaning neither can take effect unless both are enacted into law. Each would take effect 90 days after the date it is enacted into law.

House Bill 5442 would require the Department of State Police (MSP) to establish and maintain the "public threat alert system plan," which would be activated only in accordance with the policies established by the department. The plan would be designed to rapidly disseminate useful information in a predetermined manner to radio and television stations within Michigan and to send text messages to wireless 2-way communications devices, including cell phones.

The bill would define "public threat" as meaning "a clear, present, persistent, ongoing, and random threat to public safety. A public threat would include, but not be limited to, an act of terrorism, an unresolved mass shooting, or an unresolved mass shooting spree."

The bill also would prohibit a person from intentionally making a false report of a public threat, or intentionally causing a such a false report to be made, to a peace officer, police agency of this state or of a local unit of government, 9-1-1 operator, or any other governmental employee or contractor or employee of a contractor who is authorized to receive the report, knowing that the report is false. A person who violates this would guilty of a felony punishable by imprisonment for not more than four years, a fine of not more than \$2,000, or both.

Also, the court may order a person convicted of that felony to pay to the state or a local unit of government and the media the costs of responding to the false report or threat, including, but not limited to, use of police or fire emergency response vehicles and teams, under Section 1f of Chapter IX of the Code of Criminal Procedure (MCL 769.1f). [A

separate additional bill is anticipated to incorporate a reference to this provision into Section 1f of the Code.]

FISCAL IMPACT:

House Bill 5442 would have a nominal fiscal impact on the Department of State Police (MSP). According to the MSP, the department would be able to utilize existing alert system infrastructure associated with Blue Alert – the program that alerts the public if a police officer is killed or injured and the suspect has not been apprehended – to implement the Public Threat Alert plan. Any costs incurred by implementing the plan would be minor.

Further, to the extent that House Bill 5442 results in a greater number of convictions, it would increase costs on state and local correctional systems. New felony convictions would result in increased costs related to state prisons, county jails, and/or state probation supervision. The average cost of prison incarceration in a state facility is roughly \$35,300 per prisoner per year, a figure that includes various fixed administrative and operational costs. The costs of local incarceration in a county jail and local misdemeanor probation supervision vary by jurisdiction. State costs for parole and felony probation supervision average about \$3,600 per supervised offender per year. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally-designated recipients of those revenues.

House Bill 5449 amends sentencing guidelines and does not have a direct fiscal impact on the state or on local units of government.

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