

PROHIBIT USE OF AUTHORITY TO PREVENT REPORT OF CERTAIN CRIMES

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House Bill 5537 as introduced
Sponsor: Rep. Klint Kesto
Committee: Law and Justice
Complete to 4-17-18

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

SUMMARY:

House Bill 5537 would amend the Michigan Penal Code to prohibit an individual from using his or her authority over another person to prevent or attempt to prevent that other person from reporting certain crimes.

Section 483a of the Penal Code currently prohibits a person from doing the following:

- Withholding or refusing to produce testimony, information, documents, or things in violation of a court order.
- Preventing or attempting to prevent through unlawful physical force another person from reporting a crime or attempted crime.
- Retaliating or attempting to retaliate against another person for reporting or attempting to report a crime or attempted crime.

Violation of these provisions is a misdemeanor punishable by imprisonment for not more than 1 year, a fine of not more than \$1,000, or both. If the violation involves committing or attempting to commit a crime or a threat to kill or injure any person or to cause property damage, then the violation is a felony punishable by imprisonment for not more than 10 years, a fine of not more than \$20,000, or both.

The bill would add a provision to Section 483a to prohibit a person from using his or her authority over another person to prevent or attempt to prevent the other person from reporting a crime that is listed in any of the following sections of the Penal Code (or an attempt to commit such a crime):

- Section 136b (child abuse)
- Section 520b (criminal sexual conduct in the first degree)
- Section 520c (criminal sexual conduct in the second degree)
- Section 520d (criminal sexual conduct in the third degree)
- Section 520e (criminal sexual conduct in the fourth degree)
- Section 520g (assault with intent to commit criminal sexual conduct)

The bill would take effect 90 days after enactment.

MCL 750.483a

FISCAL IMPACT:

House Bill 5537 would have an indeterminate fiscal impact on the state and on local units of government. Information is not available on the number of persons who would be convicted under provisions of the bill. Violations could be either misdemeanors or felonies, depending on the circumstances. New misdemeanor convictions would increase costs related to county jails and/or local misdemeanor probation supervision. The costs of local incarceration in a county jail and local misdemeanor probation supervision vary by jurisdiction. New felony convictions would result in increased costs related to state prisons and state probation supervision. In fiscal year 2017, the average cost of prison incarceration in a state facility was roughly \$37,000 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$3,600 per supervised offender in the same year. The fiscal impact on local court systems would depend on how provisions of the bill affected caseloads and related administrative costs. Increased costs could be offset, to some degree, depending on the amount of additional court-imposed fee revenue generated. Any increase in penal fine revenue would increase funding for local libraries, which are the constitutionally designated recipients of those revenues.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.