

Legislative Analysis



MALICIOUS DESTRUCTION OF OR DAMAGE TO FIRE, SHERIFF, OR POLICE DEPARTMENT PROPERTY

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

House Bill 4185 (proposed substitute H-1)

Sponsor: Rep. Diana Farrington

Committee: Judiciary

Complete to 3-17-19

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

SUMMARY:

House Bill 4185 would amend Chapter LVI (Malicious and Wilful Mischief and Destruction) of the Michigan Penal Code to add willfully and maliciously destroying or damaging the real property of a fire, sheriff, or police department to the current prohibition regarding a fire or police department's personal property.

Currently, it is a felony punishable by up to four years' imprisonment, a fine of up to \$5,000, or both, to willfully and maliciously destroy or injure the personal property of any fire or police department, including the Department of State Police. The bill would extend the prohibition and criminal penalty to include conduct that willfully and maliciously destroys or injures the *real property* of such an entity. In addition, the bill would add *sheriff's department* to the entities for which the prohibition and penalty would apply. (In general, *real property* refers to land and includes any buildings, structures, or equipment that is permanently attached or fixed to the land.)

The bill would take effect 90 days after its enactment.

MCL 750.377b

FISCAL IMPACT:

House Bill 4185 would have an indeterminate fiscal impact on the state and on local units of government. The number of persons who might be convicted under provisions of the bill is unknown. The fine and/or term of imprisonment is not specified in the bill. Malicious destruction of fire and/or police property is classified as a Category F crime, which carries a statutory maximum sentence of four years. Felony convictions would result in increased costs related to state prisons and state probation supervision. In fiscal year 2018, the average cost of prison incarceration in a state facility was roughly \$38,000 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$3,700 per supervised offender in the same year. Those costs are financed with state general fund/general purpose revenue. Any fiscal impact on the judiciary and local court systems would depend on how provisions of the bill affected caseloads and related administrative costs. 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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