

Legislative Analysis



PROHIBIT LOCAL DECRIMINALIZATION OF PUBLIC URINATION, PUBLIC DEFECCATION, OR LITTERING

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

House Bill 6367 as passed by the House

Sponsor: Rep. Matt Hall

Committee: Local Government and Municipal Finance [Discharged]

Complete to 10-4-22

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

SUMMARY:

House Bill 6367 would create a new act prohibiting local units of government (counties, cities, townships, and villages) from decriminalizing public urination, public defecation, or littering. It would provide that if a local unit currently has an ordinance that penalizes public urination, public defecation, or littering, that local unit of government would not be allowed to repeal the ordinance or lessen the penalties for violating it. Further, any local governments that decriminalized public urination, public defecation, or littering after January 1, 2022, would be required to revert the ordinance to its previous form within 60 days after House Bill 6367 goes into effect.

BACKGROUND:

In July, the Kalamazoo City Commission revised its criminal code to reduce the penalties for public urination, public defecation, and littering (among other acts) from misdemeanors to civil infractions. Supporters of that change argue that these acts remain illegal and that decriminalization better utilizes public safety resources, while opponents of the change argue that reducing the penalties for these acts has incentivized further violations without consequence. If House Bill 6367 were passed, Kalamazoo would have to revert the code to its prior form (as it existed on January 1, 2022) within 60 days.

FISCAL IMPACT:

It is unlikely that House Bill 6367 would have any fiscal impact on the state or on local units of government. If a local unit of government had an ordinance or charter provision that provided for a criminal penalty for violating a public urination, public defecation, or littering law, and then decriminalized the ordinance or provision, presumably the local unit would have incurred less costs for misdemeanor convictions (less costs for local county jails and/or local misdemeanor probation supervision), but would have potentially collected more civil infraction revenue. Under the bill, the local unit would be required to reenact the ordinance or provision to the way it was before it was decriminalized, thus reinstating misdemeanor penalties which existed prior to January 1, 2022.

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