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Senate Bill 600 (Substitute S-2 as reported)
Senate Bill 601 (Substitute S-3 as reported)
Sponsor: Senator Sylvia Santana
Committee: Civil Rights, Judiciary, and Public Safety

CONTENT

Senate Bill 601 (S-3) would amend Chapter XXI (Civil Rights) of the Michigan Penal Code to do the following:

- Modify the prohibition against ethnic intimidation to instead prohibit a hate crime and prescribe the actions that constitute a hate crime, including the use of force or the true threat of force against an individual based on an identity or attribute of that individual.
- Prescribe felony penalties for a violation of the bill.
- Allow the court to impose an alternative sentence on a defendant for a first violation or, for a second or subsequent violation, reduce a penalty by up to 20% and impose an additional alternative sentence if the defendant consented.
- Specify that the bill would not prohibit an individual's exercise of the constitutional right to free speech.

Senate Bill 600 (S-2) would amend the Code of Criminal Procedure to do the following:

- Replace the current felony for ethnic intimidation with certain hate-crime related violations.
- Add sentencing guidelines for other felony penalties proposed by Senate Bill 601 (S-3).

Senate Bill 600 is tie-barred to Senate Bill 601.

MCL 777.16g (S.B. 600)
750.147b (S.B. 601)

BRIEF RATIONALE

Currently, the Michigan Penal Code prohibits ethnic intimidation, which is generally the act of harassing another person because of that person's race, religion, gender, or national origin. Some people believe that the prohibition against ethnic intimidation does not do enough to protect against intimidation based on other identities or attributes of individuals. Accordingly, it has been suggested that the prohibition be expanded to prohibit intimidation based on sexual orientation, gender identity, and age, among other attributes and identities.

Legislative Analyst: Tyler P. VanHuyse

FISCAL IMPACT

Senate Bill 600 (S-2)'s criminal penalties could have a negative fiscal impact on the State and local government. Violations would be punishable as misdemeanors and felonies of different severity. More misdemeanor and felony arrests and convictions could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. Misdemeanor convictions could increase county jail and local probation supervision

costs, which vary by jurisdiction and are thus indeterminate. Based on 2022 data, the average cost to State government for felony probation supervision is approximately \$4,800 per probationer per year. For any increase in prison intakes the average annual cost of housing a prisoner in a State correctional facility is an estimated \$45,700. Per diem rates for housing a prisoner in a state correctional facility range from \$98 to \$192 per day, depending on the security level of the facility. Additionally, any associated fine revenue would increase funding to public libraries.

Senate Bill 601 (S-3)'s criminal penalties could have a negative fiscal impact on the State and local government. More felony arrests and convictions could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. Based on 2022 data, the average cost to State government for felony probation supervision is approximately \$4,800 per probationer per year. For any increase in prison intakes the average annual cost of housing a prisoner in a State correctional facility is an estimated \$45,700. Per diem rates for housing a prisoner in a State correctional facility range from \$98 to \$192 per day, depending on the security level of the facility. Additionally, any associated fine revenue would increase funding to public libraries.

Date Completed: 1-11-24

Fiscal Analyst: Joe Carrasco, Jr.
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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.