



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 4476 (Substitute S-3 as reported)
House Bill 4477 (Substitute H-3 as reported without amendment)
Sponsor: Representative Noah Arbit (H.B. 4476)
Representative Ranjeev Puri (H.B. 4477)
House Committee: Criminal Justice
Senate Committee: Civil Rights, Judiciary, Public Safety

CONTENT

House Bill 4476 (S-3) would add Section 147c to the Michigan Penal Code to do the following:

- Prohibit a person from committing institutional desecration, or threatening to do so, against specified institutions because of the institutions' association with a group of individuals who may have a common identity or attribute.
- Prescribe misdemeanor and felony penalties for violations of the bill.

House Bill 4477 (H-3) would amend the sentencing guidelines in the Code of Criminal procedure to include the felonies proposed by House Bill 4477 (S-3).

House Bill 4477 is tie-barred to House Bill 4476.

Proposed MCL 750.147c (H.B. 4476)
MCL 777.16g (H.B. 4477)

BRIEF RATIONALE

According to testimony, religious institutions are targets of increasing threats and vandalism. Currently, threats and vandalism against these institutions and others like them are charged in courts as malicious destruction of property,¹ and some people believe that this is not an adequate charge. Accordingly, it has been suggested that institutional desecration be prohibited in the Penal Code and penalties be prescribed for such.

Legislative Analyst: Tyler P. VanHuyse

FISCAL IMPACT

House Bill 4476 (S-3) could have a negative fiscal impact on the State and local governments. Violations of its proposed criminal penalties 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. 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 \$47,500. Per diem rates for housing a prisoner in

¹ MCL 750.337a

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. Any fiscal impact upon State or local courts is indeterminate.

House Bill 4477 (H-3) would have no fiscal impact on local government and an indeterminate fiscal impact on the State, in light of the Michigan Supreme Court's July 2015 opinion in *People v. Lockridge*, in which the Court ruled that the sentencing guidelines are advisory for all cases. This means that the bill's additions to the guidelines would not be compulsory for the sentencing judge. As penalties for felony convictions vary, the fiscal impact of any given felony conviction depends on judicial decisions.

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