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Senate Fiscal Agency  
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**SFA****BILL ANALYSIS**

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Senate Bills 1034 and 1035 (as reported without amendment)  
Sponsor: Senator Thaddeus G. McCotter  
Committee: Government Operations

### **CONTENT**

Senate Bills 1034 and 1035 would amend the Michigan Penal Code and the Code of Criminal Procedure, respectively, to remove penalty provisions for inciting Indians to violate a peace treaty or U.S. law.

Under Section 348 of the Penal Code, it is a felony to incite or attempt to incite any Indian nation, tribe, chief, or individual to violate any peace treaty, disturb the peace, or violate any law of the United States. Senate Bill 1034 would repeal Section 348.

Under the sentencing guidelines in the Code of Criminal Procedure, a violation of Section 348 of the Penal Code is a class H offense against public safety, with a four-year statutory maximum sentence. Senate Bill 1035 would delete that provision.

MCL 750.348 (S.B. 1034)  
777.16q (S.B. 1035)

Legislative Analyst: George Towne

### **FISCAL IMPACT**

According to the Department of Corrections Statistical Report, in 1999, there were no offenders convicted of inciting or attempting to incite Native Americans to violate peace treaties or U.S. laws. Assuming past years are representative of the future, Senate Bills 1034 and 1035 would have no fiscal impact on State or local government.

Date Completed: 2-12-02

Fiscal Analyst: Bethany Wicksall

