

## TRESPASSING AT A KEY FACILITY

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### Senate Bills 685 and 686

**Sponsor: Sen. Patricia L. Birkholz**

**House Committee: Judiciary**

**Senate Committee: Judiciary**

**Complete to 12-5-05**

## A SUMMARY OF SENATE BILLS 685 AND 686 AS PASSED BY THE SENATE 11-10-05

Senate Bill 686 would add a new section to the Michigan Penal Code (750.552c) to prohibit a person – intentionally or without authority or permission – from entering or remaining in or upon premises or a structure belonging to another that was a "key facility" if the key facility were 1) completely enclosed by a physical barrier of any kind, including a significant water barrier that prevented pedestrian access; and 2) posted in a conspicuous manner against entry. A violation would be a felony punishable by imprisonment for not more than four years and/or a fine of not more than \$2,500.

The minimum letter height on the sign against entry would have to be one inch. Each posting sign would have to be not less than 50 square inches and be spaced so that a person could observe not less than one sign at any point of entry upon the property. Furthermore, the bill would not apply to and could not be construed to prevent a lawful assembly or a peaceful and orderly petition for the redress of grievances, including, but not limited to, an employer/employee labor dispute.

"Key facility" would be defined to mean one or more of the following:

- A chemical manufacturing facility.
- A refinery.
- An electrical power generation or electrical transmission or distribution facility.
- A water intake structure or water treatment facility.
- A pipeline transmission compressor station.
- Gasoline, propane, liquid natural gas (LNG), or other fuel terminal or storage facility.
- A transportation facility, including, but not limited to, a port, railroad switching yard, or trucking terminal.
- A pulp or paper manufacturing facility.
- A pharmaceutical manufacturing facility.
- A hazardous waste storage, treatment, or disposal facility.
- A facility substantially similar to a facility, structure, or station listed above or a resource required to submit a risk management plan under a section of the federal Clean Air Act [42 USC 7412(r)].

Senate Bill 685 would amend the Code of Criminal Procedure (MCL 777.16y) to specify that trespass upon a key facility would be a Class F felony against the public safety with a maximum term of imprisonment of four years.

**FISCAL IMPACT:**

The bills would have an indeterminate fiscal impact on the state and local units of government. Any increase in the numbers or length of sentences to county jails could increase costs for affected counties. Increases in sentences that included felony probation would increase state costs; the cost of parole and probation supervision is roughly \$2,000 per offender per year. Any increase in the number or length of sentences to prison would increase state costs of incarceration, which currently average about \$29,000 per offender per year. Increases in collections of penal fine revenue could benefit local libraries, which are the constitutionally-designated recipients of such revenues.

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