

DISORDERLY CONDUCT AT FUNERALS

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Senate Bill 1171 as passed by the Senate
Sponsor: Sen. Raymond E. Basham

House Bill 5887 as passed by the Senate
Sponsor: Rep. Judy Emmons

Senate Bill 1229 as passed by the Senate
Sponsor: Sen. Laura M. Toy

House Bill 5888 as passed by the Senate
Sponsor: Rep. John Gleason

House Committee: Veterans Affairs and Homeland Security
Senate Committee: Senior Citizens and Veterans Affairs

Complete to 5-8-06

A SUMMARY OF SENATE BILLS 1171 & 1229 AND HOUSE BILLS 5887 & 5888 AS PASSED BY THE SENATE

House Bill 5887 would amend the Michigan Penal Code (MCL 750.167d) to make it a felony to be a disorderly person within 500 feet of a funeral, memorial service, the viewing of a deceased person, or a funeral procession or burial. The following would be prohibited:

- Making loud and raucous noise and continuing to do so after being asked to stop.
- Making any statement or gesture that would make a reasonable person under the circumstances feel intimidated, threatened, or harassed.
- Engaging in any other conduct that the person knows or should reasonably know will disturb, disrupt, or adversely affect the funeral, memorial service, viewing of the deceased person, funeral procession, or burial.

Under Senate Bill 1171, a first offense would be punishable by imprisonment for not more than two years and/or a fine of not more than \$5,000. If a person had previously been convicted of the crime, it would be punishable by up to four years imprisonment and/or a \$10,000 fine.

House Bill 5888 and Senate Bill 1229 would amend the Code of Criminal Procedure (MCL 777.16i) to put the maximum terms of imprisonment into sentencing guidelines provisions. House Bill 5888 applies to first offenses; Senate Bill 1229 to both first and subsequent offenses.

The bills are all tie-barred to one another, meaning all must be enacted for any to take effect. Each bill would take effect 90 days after enactment.

FISCAL IMPACT:

The bills could increase state and local correctional costs, depending on how they affected prosecutorial charging practices, the numbers of felony convictions, and the severity of sentences imposed. The state could incur additional costs of prison incarceration, which currently averages about \$30,000 per prisoner per year, and probation oversight; parole/probation supervision averages about \$2,000 per supervised offender per year. Local units of government could incur increased costs of jail sentences for felons; jail costs vary from county to county. Any increase in collections of penal fine revenues could benefit local libraries, which are the constitutionally-designated recipients of such revenues.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.