



Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 4544 (Substitute S-1 as reported by the Committee of the Whole)
Sponsor: Representative Kevin Elsenheimer
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

The bill would amend the Michigan Penal Code to replace provisions that prohibit a person from equipping a vehicle with a police radio receiver or using such a vehicle, without a permit from the State Police. The bill would prohibit a person who had been convicted of a felony in the past five years from carrying or possessing a radio that received frequencies reserved for law enforcement or emergency purposes, and would prohibit a person from carrying or possessing such a radio while committing a crime.

Specifically, a person who had been convicted of one or more felonies during the preceding five years would be prohibited from carrying or possessing a radio that would receive signals on a frequency assigned by the Federal Communications Commission (FCC) for purposes of law enforcement, fire-fighting, emergency medical, homeland security, or Federal, State, or local corrections. A violation would be a misdemeanor punishable by up to one year's imprisonment and/or a maximum fine of \$1,000 (the current penalty for a violation). As currently provided, this prohibition would not apply to a person who was licensed by the FCC as an amateur radio operator.

The bill also would prohibit a person from carrying or possessing a radio described above, in the commission or attempted commission of a crime. If the underlying crime were a misdemeanor with a maximum term of imprisonment of at least 93 days but less than one year, a violation would be a misdemeanor punishable by up to one year's imprisonment, a maximum fine of \$1,000, or both. If the underlying crime were a misdemeanor or a felony with a maximum term of imprisonment of one year or more, a violation of the bill would be a felony punishable by up to two years' imprisonment, a maximum fine of \$2,000, or both. The prohibition would not apply to the commission or attempted commission of a misdemeanor punishable by a maximum term of less than 93 days' imprisonment.

MCL 750.508

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

Please see the **FISCAL IMPACT** on House Bill 4727 (S-1), a sentencing guidelines bill that is tie-barred to House Bill 4544.

Date Completed: 2-9-06

Fiscal Analyst: Bruce Baker
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