

SENTENCING GUIDELINES FOR FALSE REPORTS RELATED TO DHS INVESTIGATIONS

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Senate Bill 155 with committee amendment
Sponsor: Sen. Cameron Brown
House Committee: Judiciary
Senate Committee: Families and Human Services

Complete to 6-13-07

A SUMMARY OF SENATE BILL 155 AS REPORTED BY COMMITTEE 6-13-07

The bill would amend the sentencing guidelines within the Code of Criminal Procedure (MCL 777.15g) to specify that a false report initiating a special investigation by the Department of Human Services would be a Class F felony against the public order with a variable maximum term of imprisonment. The bill is tie-barred to Senate Bill 97.

(Senate Bill 97 would amend the Child Care Licensing Act to require a child care organization that was the subject of a high-risk special investigation by the DHS to notify the parents or guardians of all children who were present at the time of the incident being investigated, or who otherwise could come into contact with the individual being investigated. The bill would also establish criminal penalties for making a false report that led to a special investigation requiring this notice. Senate Bill 97 also was passed by the Senate and has been referred to the House Committee on Families and Children's Services.)

FISCAL IMPACT:

SB 155 would provide for sentencing guidelines consistent with penalties to be established under SB 97 and thus would have no direct fiscal impact. The new felony offense, making a false report that led to a Department of Human Services investigation, would be a Class F felony; guidelines-recommended ranges for the minimum sentence vary from 0-3 months to 17-30 months, depending on circumstances.

SB 97 would establish new misdemeanor and felony penalties; the bill's fiscal impact on local and state correctional systems would depend on how it affected the numbers of convictions and severity of sentences, and there are no data to indicate how many offenders might be convicted under the bill. The average appropriated cost of incarceration in a state prison is about \$31,000 per prisoner, a figure that includes allocated portions of various fixed costs. The state's average cost of felony parole and probation supervision is about \$2,000 per supervised offender per year. Costs of any jail incarceration or misdemeanor probation supervision would be borne by local units of government, and vary by jurisdiction. Any increase in penal fine revenues could benefit local libraries, which are the constitutionally-designated recipients of those revenues.

POSITIONS:

The Department of Human Services/Office of Children and Adult Licensing indicated support for the bill. (6-13-07)

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Fiscal Analyst: Marilyn Peterson

■ 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.