

FALSELY ATTESTING TO COMMUNITY SERVICE

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House Bill 4322 (Substitute H-2)
Sponsor: Rep. Dudley Spade
Committee: Judiciary

Complete to 6-10-09

A SUMMARY OF HOUSE BILL 4322 AS REPORTED FROM COMMITTEE

The bill would amend the Michigan Penal Code to make it a misdemeanor to knowingly provide false information to a court about the performance of community service.

Under the bill, a person who knowingly provided false information to the court that a person sentenced to perform community service or authorized by the court to perform community service in lieu of paying a fine or cost had complied with the requirements of that community service would be guilty of a misdemeanor.

The misdemeanor would be punishable by not more than 90 days' imprisonment and/or a fine of not more than \$500.

The bill states that it does not prevent an individual from being charged with, convicted of, or sentenced for any other law arising out of the same violations. Further, the bill would take effect 90 days after enactment.

MCL 750.411u

FISCAL IMPACT:

To the extent that the bill increased the numbers of misdemeanor convictions, it could increase local costs of jail incarceration or misdemeanor probation, both of which vary by jurisdiction. Any increase in penal fine revenues could benefit local libraries, which are the constitutionally-designated recipients of those revenues.

BACKGROUND INFORMATION:

According to committee testimony, a situation occurred in which the manager for a small city-owned cemetery charged probationers \$1 to sign off for each hour they were supposed to provide community service at the cemetery. In another incident, the girlfriend of a probationer fraudulently signed the service form of her boyfriend, pretending to be a representative of the local United Way – the agency the probationer had requested for his community service.

Community service often is ordered in lieu of sending an offender to jail or in cases where the person cannot afford fines and court costs. When a person fraudulently attests

to the completion of community service, whether or not that person did so for pecuniary gain, the community as a whole loses out on the service the offender was supposed to complete. The offender, meanwhile, escapes his or her burden to society. If the court becomes aware of the fraud, the probationer can be punished for a parole violation. However, there is no current law to punish any other individual who participates in the fraud.

The bill is not expected to discourage legitimate entities, such as AA, local governments, or charities from signing service forms. Many places which support community service programs have policies in place to ensure that the required attendance and service was completed.

POSITIONS:

No official positions were offered on the committee substitute.

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