

Legislative Analysis



REPEAL OBSOLETE LAWS

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House Bill 4248 as introduced
Sponsor: Rep. Chris Afendoulis

Analysis available at
<http://www.legislature.mi.gov>

House Bill 4250 as introduced
Sponsor: Rep. Rob VerHeulen

House Bill 4251 as introduced
Sponsor: Rep. Andrea LaFontaine

Committee: Criminal Justice
Complete to 3-23-15

SUMMARY:

House Bill 4248 would repeal several sections of the Michigan Penal Code pertaining to reproaching another in print for not accepting a duel, the playing of the National Anthem, use of foul language in the presence of women and children, and the improper disposal of a refrigerator.

House Bill 4250 would repeal an act that prohibits certain endurance contests such as walkathons.

House Bill 4251 would repeal an act that prohibits the sale of dyed baby chicks, rabbits, or ducklings.

The bills would take effect 90 days after enactment. More specifically, the bills would do the following:

House Bill 4248 would amend the Michigan Penal Code to repeal the following provisions:

Section 173 (MCL 750.173): Prohibits the use of reproachful language in print for not accepting or fighting a duel; a violation is a misdemeanor. The penalty for a violation was raised from a maximum fine of \$250 to a maximum fine of \$750 by Public Act 672 of 2002.

Section 337 (MCL 750.337): Prohibits indecent, immoral, obscene, vulgar, or insulting language in the presence or hearing of a woman or child. A violation is a misdemeanor.

Section 493d (MCL 750.493.d): Makes it a misdemeanor to knowingly leave, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator, or other container of a size sufficient to permit the entrapment and suffocation of a child without first removing the snaplock or other locking device from the lid or cover.

Sections 541-543 (MCL 750.541-750.543): Repeals Chapter 83 of the Penal Code, entitled "The Star Spangled Banner." Chapter 83 prohibits the National Anthem to be played, sung, or rendered in any public place, at any public entertainment, or in any theatre, motion

picture hall, restaurant, or café except as an entire and separate composition or number and without embellishments or other melodies; and also prohibits any part or selection to be played as a part or selection of a medley or be played in any of the places mentioned above for dancing or as an exit march. The manager or owner of any of the public places is prohibited from permitting or allowing a person to sing or render the "The Star Spangled Banner" in any of the prohibited ways. A violation of Chapter 83 is a misdemeanor.

Except as otherwise specified, the penalty for a violation of any of the above offenses is punishable by a maximum of 90 days in jail and/or a maximum fine of \$500.

House Bill 4250 repeals Public Act 140 of 1935 (MCL 752.161-752.162). The act makes it a misdemeanor punishable by a maximum fine of \$100 and/or a maximum of 90 days in jail to promote, conduct, or participate in an endurance contest known as a walkathon or similar endurance contest. The act was amended by Public Act 401 of 2000 to exclude from the prohibition an event that begins and ends on the same day or is completed within a predetermined time period of less than 12 hours.

House Bill 4251 repeals Public Act 163 of 1945 (MCL 752.91-752.92). The act makes it unlawful for any person, firm or corporation to sell, or offer for sale, any baby chicks, rabbits, ducklings, or other fowl or game which have been dyed or otherwise artificially colored. A violation is a misdemeanor punishable by a maximum of 90 days in jail and/or a maximum fine of \$500.

FISCAL IMPACT:

The bills repeal several misdemeanors from state statutes. Misdemeanor fines go to public libraries. Misdemeanor convictions increase costs related to county jails and/or local misdemeanor probation supervision. The costs of local incarceration in a county jail and local misdemeanor probation supervision vary by jurisdiction. It is not known how often these laws are enforced, if at all.

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