



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

## BILL ANALYSIS



Telephone: (517) 373-5383  
Fax: (517) 373-1986

Senate Bill 973 (Substitute S-1)  
Senate Bill 974 (as introduced 5-3-18)  
Sponsor: Senator Rick Jones  
Committee: Judiciary

Date Completed: 5-15-18

**CONTENT**

**Senate Bill 973 (S-1) would amend the Michigan Penal Code to do the following:**

- Include "threaten" in a prohibition against attempting to intimidate, hinder, or obstruct a public officer, employee, or peace officer from discharging his or her duties by use of an unauthorized process; and include the intent to interfere with the legal process as an element of the crime.
- Specify that the prohibition would include certain conduct, such as threatening to harm or using force against the officer or employee, or a member of his or her immediate family.

**Senate Bill 974 would amend the sentencing guidelines in the Code of Criminal Procedure to change citations to the Michigan Compiled Laws section that Senate Bill 973 (S-1) would amend.**

Senate Bill 974 is tie-barred to Senate Bill 973. Each bill would take effect 90 days after its enactment.

Senate Bill 973 (S-1) is described in more detail below.

The Penal Code prohibits a person from attempting to intimidate, hinder, or obstruct a public officer, public employee, or peace officer in the discharge of his or her official duties by a use of unauthorized process. The bill would prohibit a person from attempting to intimidate, hinder, *threaten*, or obstruct a public officer or public employee or a peace officer in the discharge of his or her official duties *with the intent to interfere with the legal process* by a use of unauthorized process.

The prohibition would include, but not be limited to, all of the following conduct:

- Threatening to harm or cause harm to a public officer, public employee, or peace officer, or to a member of his or her immediate family.
- Using force against, threatening to use force against, or deceiving a public officer, public employee, or peace officer, or a member of his or her immediate family.
- Offering, conveying, or agreeing to convey any direct or indirect benefit upon a public officer, public employee, or peace officer, or a member of his or her immediate family.

The prohibition also would include engaging in conduct reasonably calculated to harass, harm, intimidate, or influence a public officer, public employee, or peace officer, or a member of his or her family, including by disseminating or making available by any means, including through social media, personal information about a public officer, public employee, or peace officer, or his or her immediate family. This would not preclude the dissemination of publicly available information, so long as that information was not used in an intimidating, threatening, or harmful manner.

The bill specifies that "immediate family" would include the spouse and any natural or adopted child of a public officer, public employee, or peace officer.

"Legal process" currently means a summons, complaint, pleading, writ, warrant, injunction, notice, subpoena, lien, order, or other document issued or entered by or on behalf of a court or lawful tribunal or lawfully filed with or recorded by a governmental agency that is used as a means of exercising or acquiring jurisdiction over a person or property, to assert or give notice of a legal claim against a person or property, or to direct people to take or refrain from an action. Under the bill, the term also would mean a finding, decision, ruling, order, judgment, or decree assigned to a public officer or public employee.

"Public officer" means a person who is elected or appointed to any of the following: a) an office established by the Michigan Constitution, b) a public office of a city, village, township, or county in the State; or c) a department, board, agency, institution, commission, court, authority, division, council, college, university, school district, intermediate school district, special district, or other public entity of the State, or a city, village, township, or county in the State. Under the bill, the term also would mean a court officer appointed by the chief judge of the court in which he or she serves.

A person who violates the prohibition is guilty of a misdemeanor punishable by up to two years' imprisonment or a maximum fine of \$1,000, or both. A person who violates the prohibition after one or more prior convictions is guilty of a felony punishable by imprisonment for up to four years or a maximum fine of \$2,000, or both.

MCL 750.478a (S.B. 973)  
777.16x (S.B. 974)

Legislative Analyst: Jeff Mann

## **FISCAL IMPACT**

### **Senate Bill 973 (S-1)**

The bill could have a negative fiscal impact on the State and local government. More misdemeanor and felony arrests and convictions could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. The average cost to State government for felony probation supervision is approximately \$3,024 per probationer per year. For any increase in prison intakes, in the short term, the marginal cost to State government is approximately \$3,764 per prisoner per year. Any associated increase in fine revenue increases funding to public libraries.

### **Senate Bill 974**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Ryan Bergan