

## **VIOLATION OF ORDER ISSUED UNDER EMERGENCY MANAGEMENT ACT TO BE CIVIL INFRACTION**

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**House Bill 5709 as passed by the House**

**Sponsor: Rep. Jason M. Sheppard**

**Committee: Government Operations [Discharged to Floor]**

**Complete to 5-14-20**

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

### **SUMMARY:**

House Bill 5709 would amend the Emergency Management Act to make violation of an order of the governor issued during a declared state of emergency or disaster a state civil infraction rather than a misdemeanor.

The Emergency Management Act authorizes the governor to proclaim a state of emergency or state of disaster. Among other things, after making such a declaration, the governor can take certain actions in response to the emergency or disaster, except for suspending criminal process and procedures or taking lawfully possessed firearms, ammunition, or other weapons.

The act currently provides that a person who willfully disobeys or interferes with the implementation of a rule, directive, or order issued by the governor under the act is guilty of a misdemeanor.

The bill would instead provide that such a person is responsible for a state civil infraction, even if the rule, directive, or order states that a violation could be a misdemeanor. An individual responsible for such a state civil infraction could be ordered to pay a civil fine of up to \$100, and an entity that is not an individual could be ordered to pay a civil fine of up to \$500.

MCL 30.405

### **FISCAL IMPACT:**

House Bill 5709 would have an indeterminate fiscal impact on the state and on local units of government. Changing the penalty from a misdemeanor to a civil infraction would impact costs to local county jails, revenue going to public and county law libraries, and revenue deposited into the state's Justice System Fund. Costs to local county jails would be reduced. Costs of incarceration in a local county jail vary by jurisdiction, so the exact savings to locals cannot be determined. In turn, there would be an increase in revenue collected from the payment of civil infraction penalties. The majority of the revenue would increase funding for public and county law libraries, and a small portion of the revenue would be deposited into the state Justice System Fund. Under section 8831 of the Revised Judicature Act, revenue from a civil fine ordered for violation of a state statute would increase funding for public and county law libraries, and under section 8727, judges are

required to order defendants to pay a justice system assessment of \$10, to be deposited into the state Justice System Fund, which supports various justice-related endeavors in the judicial and legislative branches of government and the Departments of State Police, Corrections, Health and Human Services, and Treasury. The fiscal impact on local court systems would depend on how the bill affected court caseloads and related administrative costs.

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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.