



Senate Fiscal Agency  
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House Bill 5709 (as passed by the House)  
Sponsor: Representative Jason Sheppard  
House Committee: Government Operations (discharged)  
Senate Committee: Judiciary and Public Safety

Date Completed: 5-18-20

### **CONTENT**

**The bill would amend the Emergency Management Act to specify that a person who willfully disobeyed or interfered with a rule, order, or directive issued by the Governor during a declared state or emergency or state of disaster would be responsible for a civil infraction, instead of being guilty of a misdemeanor.**

The Act allows the Governor to declare a state of disaster or a state of emergency. The Act also allows the Governor to take certain actions specified in the Act after declaring a state of disaster or a state of emergency.

A person who willfully disobeys or interferes with the implementation of a rule, order, or directive issued by the Governor under the Act is guilty of a misdemeanor. Instead, under the bill, a person who willfully disobeyed or interfered with the implementation of a rule, order, or directive would be responsible for a civil infraction even if that rule, order, or directive stated that the violation constituted a misdemeanor or a civil infraction. An individual responsible for a civil infraction could be ordered to pay a maximum civil fine of \$100. A person other than an individual who was responsible for a civil infraction could be ordered to pay a maximum civil fine of \$500. (Currently, a violation is punishable by a maximum fine of \$500 or up to 90 days in jail, or both.)

(The Act defines "person" as an individual, partnership, corporation, association, governmental entity, or any other entity.)

MCL 30.405

Legislative Analyst: Stephen Jackson

### **FISCAL IMPACT**

New civil infractions under the bill's provisions could increase resource demands on law enforcement to issue citations for those infractions; however, it is unknown how many people would be cited. Any additional revenue from imposed civil fines would go to local libraries. Also, costs for local units of government could be reduced as a result of fewer incarcerations. The estimated savings is indeterminate and would depend on the actual number of reductions in incarcerations that occurred as a result of this change.

Fiscal Analyst: Joe Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.