

Senate Fiscal Agency
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SFA



BILL ANALYSIS

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Senate Bills 73 and 75 (as introduced 2-1-01)
 Sponsor: Senator Joel D. Gougeon
 Committee: Families, Mental Health and Human Services (Senate Bill 73)
 Judiciary (Senate Bill 75)

Date Completed: 2-6-01

CONTENT

Senate Bills 73 and 75 would amend the Michigan Penal Code and the Code of Criminal Procedure, respectively, to specify a felony penalty for impersonating an FIA employee and to include that offense in the sentencing guidelines. Senate Bill 75 is tie-barred to Senate Bill 73.

Senate Bill 73

The bill would prohibit a person who was not employed by the FIA from informing another person, or representing to another person by identification or any other means, that he or she was an FIA employee with the intent to do any of the following:

- Gain entry to a residence, building, structure, facility, or other property.
- Remain in or upon a residence, building, structure, facility, or other property.
- Gain access to financial account information.
- Commit a crime.
- Obtain information to which the person was not entitled under Section 7 of the Child Protection Law. (That section requires the FIA to maintain a statewide, electronic registry pertaining to child abuse and neglect allegations and investigations, and restricts who may have access to confidential information in the registry.)
- Gain access to a person under the age of 18 or a "vulnerable adult". ("Vulnerable adult" would mean an individual 18 or older who, because of age, developmental disability, mental illness, or disability lacked the cognitive skills required to manage his or her property, whether or not determined by a court to be an incapacitated person in need of protection.)

A violation of the bill would be a felony, punishable by up to two years' imprisonment, a maximum fine of \$1,000, or both.

Senate Bill 75

Under the bill, impersonating an FIA employee would be categorized in the sentencing guidelines as a Class H felony against the public order, with a statutory maximum sentence of two years' imprisonment, as proposed by Senate Bill 73.

Proposed MCL 750.217e (S.B. 73)
 MCL 777.16l (S.B. 75)

Legislative Analyst: P. Affholter

FISCAL IMPACT

Senate Bills 73 and 75 would have an indeterminate fiscal impact on State and local government.

There are no data available to indicate how many offenders would be convicted of impersonating a Family Independence Agency employee. This offense would be incorporated into the sentencing guidelines as a Class H felony with a minimum sentencing guideline range from 0-1 month to 5-17 months. Offenders convicted of this offense would not receive a prison sentence because the longest allowable minimum sentence would not exceed 18 months. These offenders could be sentenced to incarceration in jail, community corrections programs, and/or probation. Local units of government would be responsible for the costs of incarceration or community corrections programs, which vary by county, while the State would incur costs of \$4.38 a day for felony probation.

Fiscal Analyst: K. Firestone