



Senate Fiscal Agency  
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BILL ANALYSIS

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Senate Bills 508 and 511 (as introduced 5-21-03)  
Sponsor: Senator Alan Sanborn (Senate Bill 508)  
Senator Jud Gilbert, II (Senate Bill 511)  
Committee: Judiciary

Date Completed: 9-19-03

### **CONTENT**

**Senate Bills 508 and 511 would amend the Code of Criminal Procedure and the Michigan Penal Code, respectively, to make it a felony, punishable by up to 10 years and/or \$50,000, for a person to fail to fulfill an agreement regarding the disposition of human remains within a reasonable time.** Senate Bill 508 is tie-barred to Senate Bill 511.

#### **Senate Bill 508**

The bill would include improper disposal of a dead human body, as proposed by Senate Bill 511, in the sentencing guidelines. The offense would be a Class D felony against the public order with a statutory maximum sentence of 10 years' imprisonment.

#### **Senate Bill 511**

The bill would make it a felony, punishable by up to 10 years' imprisonment and/or a maximum fine of \$50,000, for a person who had accepted money or other consideration for agreeing to, or providing for, the "final disposition of human remains" to fail, neglect, or refuse to fulfill the agreement within a "reasonable time" after entering into the agreement or after the death of the beneficiary of the agreement, whichever was later.

"Final disposition of human remains" would mean cremation, burial, entombment, or other method of final disposition of a dead human body allowed under law.

"Reasonable time" would mean a period of time considered appropriate under circumstances that included one or more of the following factors:

- The method of final disposition of human remains.
- Delays due to seasonal factors relating to the method of final disposition.
- Delays due to the availability of services required to complete the final disposition.
- The desire of the next of kin, personal representative of the deceased, or other person having lawful authority over final disposition of human remains to postpone that disposition pending funeral services, the presence of certain family members, or other activities.
- Delays due to an autopsy, investigation of the cause of death, the gathering of evidence, or other activity or procedure required by a governmental or law enforcement agency.

MCL 777.16i (S.B. 508)  
Proposed MCL 750.160c (S.B. 511)

Legislative Analyst: Patrick Affholter

## **FISCAL IMPACT**

Senate Bills 508 and 511 would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of the proposed offense. This offense would be incorporated into the sentencing guidelines as a Class D felony with a recommended minimum sentence range from 0-6 months to 43-76 months. Local units would be responsible for the costs of incarceration in a local facility, which vary by county. The State would incur the cost of felony probation, at an average annual cost of \$1,750, as well as the cost of incarceration in a State prison at an average annual cost of \$27,000. For each offender convicted, sentenced to prison, and given the longest allowable minimum sentence of 80 months, it would cost the State \$180,000.

Public libraries would benefit from any increase in penal fine revenue.

Fiscal Analyst: Bethany Wicksall