



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 511 (Substitute S-1 as reported)
Sponsor: Senator Jud Gilbert, II
Committee: Judiciary

CONTENT

The bill would amend the Michigan Penal Code to make it a felony for a person, who had agreed to provide the services of a funeral director or to provide for the "final disposition of a dead human body", to fail or refuse to supervise properly the final disposition of the body or to dispose of the body properly within a "reasonable time" after the death of the beneficiary of the agreement. The offense would be punishable by up to 10 years' imprisonment and/or a maximum fine of \$50,000. The bill would take effect on January 31, 2004.

"Final disposition of a dead human body" 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 the body.
- 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 the body, to postpone that disposition pending funeral services, the presence of certain family members, or other activities.
- Delays due to the inability to obtain the necessary authorizations regarding the method of final disposition or due to the inability to locate individuals essential to making a decision regarding final disposition.
- 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.

Proposed MCL 750.160c

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill 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. Under Senate Bill 508 (S-2), which is tie-barred to Senate Bill 511, 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.

Date Completed: 10-2-03

Fiscal Analyst: Bethany Wicksall