

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 4848 (as passed by the House)
Sponsor: Representative Tony Stamas
House Committee: Criminal Justice
Senate Committee: Judiciary

Date Completed: 4-23-02

CONTENT

The bill would repeal Section 486 of the Michigan Penal Code, which prohibits a sheriff from doing either of the following:

- Knowingly appointing as undersheriff or deputy sheriff a person who has not been a bona fide resident of Michigan for one year before the appointment.
- Appointing an undersheriff or deputy sheriff for the purpose of assisting or performing duties in the area of labor disputes if the person has not been a resident of the county in which the appointment is made for at least three months (unless the person appointed is a bona fide public law enforcement officer).

A violation is a misdemeanor with no specified penalty. (Under the Penal Code, when no other penalty is prescribed by statute, a misdemeanor is punishable by up to 90 days' imprisonment and/or a maximum fine of \$100.)

MCL 750.486

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate impact on local governments. There are no statewide data to indicate how many, if any, sheriffs are convicted of a misdemeanor for appointing an undersheriff or deputy sheriff who does not fulfill the residency requirements. Misdemeanor offenders receive probation or incarceration in a local facility. Local units incur the cost of probation, as well as incarceration, which may vary by county from \$27 to \$65 per day.

The bill would have no fiscal impact on State or local law enforcement agencies.

Fiscal Analyst: Bethany Wicksall
Bruce Baker

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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.