

MAKE CERTAIN ROAD OBSTRUCTION A MISDEMEANOR

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House Bill 4664 (H-1) as reported from committee

Sponsor: Rep. Alicia St. Germaine

Committee: Judiciary

Complete to 9-16-25

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4664 would amend section 676b of the Michigan Vehicle Code, which prohibits an unauthorized individual from blocking, obstructing, impeding, or otherwise interfering with the normal flow of vehicular, streetcar, or pedestrian traffic on a public street or highway using a barricade, object, device, or their body. An individual who violates these provisions is responsible for a civil infraction and must pay a civil fine of up to \$100.

The bill would create a new criminal penalty for obstructing a road that would apply when an individual violates the above prohibition while participating in an *assembly* on a highway. (The bill does not define what would constitute an assembly.) An individual who violates this provision would be guilty of a misdemeanor punishable by imprisonment for up to 93 days, a fine of up to \$5,000, or both.

MCL 257.676b

BACKGROUND:

The right to peaceably assemble is protected by both the First Amendment of the United States Constitution¹ and Article I of the state constitution of 1963.² At least since the United States Supreme Court's decision in *Cox v New Hampshire*, 312 US 569 (1941), courts have generally recognized that, not unlike other rights protected by the First Amendment, the right to assembly can be reasonably regulated for the purposes of maintaining order and ensuring public safety. In *Cox*, a group of Jehovah's Witnesses were convicted for violating a New Hampshire statute that prohibited parades or processions on public streets without a license. On appeal, the Supreme Court unanimously upheld the appellants' convictions, holding that a municipality's authority "to assure the safety and convenience of the people in the use of public highways has never been regarded as inconsistent with civil liberties, but, rather, as one of the means of safeguarding the good order upon which they ultimately depend."³

In other words, *Cox* stated that the government's imposition of certain "time, place, and manner" restrictions on assemblies is generally permissible under the First Amendment, provided that the government does not exercise its regulatory authority in an arbitrary or discriminatory manner. Later, in *Ward v Rock Against Racism*, 491 US 781 (1989), the Supreme Court further clarified that "time, place, and manner" restrictions must satisfy three

¹ <https://constitution.congress.gov/constitution/amendment-1/>

² <https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-Article-I-3>

³ *Cox v New Hampshire*, 312 US 569, 574 (1941); see also *Cox v Louisiana*, 379 US 536 (1965); cf. *Hague v Committee for Industrial Organization*, 307 US 496 (1939) (plurality opinion).

conditions to survive First Amendment challenges—namely, a regulation must be content neutral, it must be narrowly tailored to serve a significant government interest, and it must leave open ample alternative channels of communication.

While House Bill 4664 does not define the term “highway,” the Michigan Vehicle Code defines *highway or street* as the entire width between the boundary lines of every way publicly maintained when any part of it is open to the use of the public for purposes of vehicular travel. Thus, the misdemeanor penalties proposed by the bill would likely apply to an individual who participates in an assembly on any public road in the state.

FISCAL IMPACT:

House Bill 4664 would have an indeterminate fiscal impact on local units of government. The number of convictions that would result under provisions of the bill is not known. Violations would be misdemeanors, and new misdemeanor convictions would result in increased costs related to county jails and/or local misdemeanor probation supervision. Costs of local incarceration in county jails and local misdemeanor probation supervision, and how those costs are financed, vary by jurisdiction. The fiscal impact on local court systems would depend on how provisions of the bill affected court caseloads and related administrative costs. It is difficult to project the actual fiscal impact to courts due to variables such as law enforcement practices, prosecutorial practices, judicial discretion, case types, and complexity of cases. Any increase in penal fine revenue would increase funding for public and county law libraries, which are the constitutionally designated recipients of those revenues.

POSITIONS:

Representatives of the following entities testified in support of the bill (8-20-25):

- Macomb County Prosecutor’s Office
- Oakland County Sheriff’s Office

The Michigan Sheriffs’ Association indicated support for the bill. (8-20-25)

A representative of the ACLU of Michigan testified in opposition to the bill. (8-20-25)

The Criminal Defense Attorneys of Michigan indicated opposition to the bill. (8-20-25)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.