

Legislative Analysis



REPORT DISCOVERY OF DEAD BODY

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5277 as passed by the House
Sponsor: Rep. Richard LeBlanc
Committee: Judiciary

First Analysis (4-15-08)

BRIEF SUMMARY: The bill would make it a misdemeanor to fail to report the discovery of a dead body to a law enforcement agency or 9-1-1 operator.

FISCAL IMPACT: The bill's fiscal impact on local correctional systems would depend on how it affected the numbers of criminal convictions and severity of sentences. There are no data to indicate how many people might be convicted under the bill. The costs of any increase in misdemeanor convictions would fall to local units of governments; local costs could include jail and misdemeanor probation supervision, both of which vary by county. Any increase in penal fine revenues could benefit local libraries, which are the constitutionally-designated recipients of such revenues.

THE APPARENT PROBLEM:

Even with extensive penal laws that prohibit and punish a wide array of conduct, situations occasionally occur where prosecutors are hard pressed to find an existing law that fits a person's bad action. For example, in at least two situations, persons who discovered their roommates had died failed to immediately report the deaths to authorities, instead using the situations for their own person gain. In one case, the roommate of a woman who died from a drug overdose called that woman's parents and told them their daughter was in need of financial assistance and to send money. In the other, the body was wrapped in saran wrap where the person died while others continued to collect and cash the Social Security checks of the deceased.

Though extorting money from parents under false pretenses or cashing another person's Social Security checks is against the law, prosecutors were surprised that failing to report the death of an individual is not specifically addressed in statute. Some feel that this gap in the law should be closed.

THE CONTENT OF THE BILL:

House Bill 5277 would amend the Public Health Code by adding Section 2841 (MCL 333.2841) to require an individual who discovers the body of individual he or she knows or has reason to know is dead to immediately inform a law enforcement agency or 9-1-1 operator of the discovery. A person in violation of this subsection would be guilty of a misdemeanor punishable by imprisonment for up to one year and/or a fine of not more than \$1,000. The bill would take effect October 1, 2008.

ARGUMENTS:

For:

The bill would close a gap in current law that currently does not provide any penalties for failing to notify authorities upon discovery of a dead body. Reportedly, there have been at least two, and possibly more, incidents where a roommate, acquaintance, or relative did not report the death of a friend or relative. The bill would give prosecutors another tool when deciding an appropriate charge for bad conduct. Originally intended to create a three-year felony, the bill was amended in committee to reduce the new crime to a one-year misdemeanor. Some felt that lowering the crime to misdemeanor status would actually give prosecutors more options in charging than keeping it as a felony. The bill would not apply to persons already required under the Public Health Code to report deaths in certain circumstances, for example, funeral home directors. As always, prosecutors have discretion in deciding whether a person's actions reach the level of criminal activity; therefore, the bill should not result in charges being brought in situations where a child or person with mental impairment, or someone overcome by grief, failed to immediately report the death of a parent, caregiver, or spouse. However, the bill would allow prosecutors to go after those who use, or attempt to use, the untimely death of another for personal gain.

POSITIONS:

The Department of State Police indicated support for the bill. (4-9-08)

The prosecutor of Eaton County indicated support for the bill. (4-9-08)

Legislative Analyst: Susan Stutzky
Edith Best

Fiscal Analyst: Marilyn Peterson

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