

Legislative Analysis



PENALTY FOR FALSE ACTIVE SHOOTER ALARM

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House Bill 4698 (H-1) as reported from committee

Sponsor: Rep. Thomas A. Albert

Committee: Judiciary

Complete to 5-20-21

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

(Enacted as Public Act 155 of 2022)

BRIEF SUMMARY: House Bill 4698 would amend the Michigan Penal Code to create a criminal penalty for pulling an active shooter alarm in a public place in the absence of an active shooter situation.

FISCAL IMPACT: House Bill 4698 would have an indeterminate fiscal impact on the state and local units of government. The number of convictions that would result under provisions of the bill is not known. New misdemeanor convictions would increase 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. Any increase in penal fine revenue would increase funding for public and county law libraries, which are the constitutionally designated recipients of those revenues.

THE APPARENT PROBLEM:

Active shooter alarm systems are now available for installation in such public places as schools, colleges and universities, shopping malls, concerts, and places of employment. The active shooter alarm systems look and function similarly to fire alarms in that an alarm system will alert local law enforcement and may flash lights or voice a warning such as “lockdown, lockdown.” An active shooter alarm system in a school may alert other schools in the district of the current incident. To avoid confusion with fire alarms, which are red, active shooter alarm boxes are blue and typically have POLICE in large letters.

However, unlike for fire alarms, there is no specific criminal penalty for falsely pulling an active shooter alarm. Some feel that to deter false alarms, and to appropriately punish a person who raises a false alarm, a penalty similar to the one for pulling a fire alarm when there is no fire should be adopted for a person who pulls a false active shooter alarm when there is no active shooter present on the scene.

THE CONTENT OF THE BILL:

House Bill 4698 would add a new section to Chapter LXXII (Public Safety) of the Michigan Penal Code to create a criminal penalty for raising a false **active shooter alarm** in a public place. Knowingly and willfully raising such a false alarm would be a misdemeanor punishable by both imprisonment for up to one year and a fine of up to \$1,000. For purposes of this provision, “public place” would include a school.

Active shooter alarm would mean an alarm system designed to alert individuals inside that place that there is an active shooter on or near the premises. The term would

include an alarm system that, when activated, locks doors, informs local law enforcement of the active shooter, flashes a blue light, or broadcasts a message inside the place indicating the presence of an active shooter.

The bill would take effect 90 days after being enacted.

Proposed MCL 750.499

ARGUMENTS:

For:

A false active shooter alarm can not only be traumatizing to those inside a public area, but can also result in injuries as people flee and police search for the armed individual or individuals. In addition, the police response may be costly to taxpayers. For instance, in December 2019, an active shooter alarm at Bloomfield Hills High School was triggered, resulting in hundreds of children being forced to evacuate the school without their coats in temperatures well below freezing and at least 60 law enforcement officers from multiple law enforcement agencies, including the Michigan State Police and FBI, arriving on the scene. No threats were found at the time, and it remains unclear if it was a false alarm or a malfunction of the system or if the alarm interrupted the plans of an armed person. However, the incident did highlight the lack of a specific penalty that could be used to charge any person who had intentionally pulled the active shooter alarm. The bill would simply adopt the current penalty for pulling a fire alarm when there is no fire.

Against:

A concern was raised as to how the penalty would impact young children, as many elementary and middle schools are beginning to install active shooter alarm systems. A year in jail and \$1,000 fine seems punitive for a childish impulse or a child acting on a dare.

Response:

The penalty would apply to false alarms in any public setting, not just schools. In addition, the bill would establish the *maximum* fine and the *maximum* term of incarceration for a violation. A judge would retain discretion over the final sentence and could impose a term of probation or a small fine, as appropriate. Further, a young offender likely would be tried as a juvenile in juvenile court, which has many more options available (including family counseling) and focuses on rehabilitation.

POSITIONS:

The ACLU of Michigan indicated opposition to the bill. (5-4-21)

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