



Senate Fiscal Agency
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Senate Bill 321 (as reported without amendment)
Sponsor: Senator Rick Jones
Committee: Judiciary

CONTENT

The bill would amend the Michigan Penal Code to exclude a process server from the prohibition against and penalty for trespassing if he or she were attempting to serve process on the land or premises.

The Code prohibits a person from doing any of the following without lawful authority:

- Entering the land or premises of another person, after having been forbidden to do so by the owner or occupant or his or her agent.
- Remaining on another person's land or premises after being notified to leave by the owner or occupant or his or her agent.
- Entering or remaining on another person's fenced or posted farm property without the consent of the owner or his or her lessee or agent.

A violation is a misdemeanor punishable by up to 30 days' imprisonment and/or a maximum fine of \$250.

Under the bill, the trespass prohibitions described above would not apply to a process server who was on another person's land or premises while in the process of attempting, by the most direct route, to serve process upon any of the following:

- An owner or occupant of the land or premises.
- An agent of the owner or occupant.
- A lessee of the land or premises.

MCL 750.552

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate, but likely negligible, fiscal impact on local units of government. There are no data to indicate how many process servers are charged with misdemeanor trespassing under current law. To the extent that this occurred, the bill would result in a marginal decrease in costs of incarceration in county jails and/or community supervision. The bill also could marginally decrease fine revenue that otherwise would benefit public libraries.

Date Completed: 5-14-13

Fiscal Analyst: Dan O'Connor