



## MISDEMEANORS INCREASED TO FELONIES

By: Christopher Reinhart, Chief Attorney

The penalty for at least 49 crimes increased from a misdemeanor to a felony since 1995.

A misdemeanor is punishable by up to one year in prison.

A felony is punishable by more than one year in prison.

### ISSUE

How many misdemeanors have become felonies since 1995?

### SUMMARY

Based on our research, the legislature increased the penalty for at least 49 crimes from a misdemeanor to a felony from 1995 to 2015.

For many of the crimes we identified, the public act simply increased the penalty but did not change the conduct that constitutes the crime. For other crimes, the public act altered the conduct or required an additional element. For example, prior to 2002, all types of 4<sup>th</sup> degree sexual assault were class A misdemeanors and [PA 02-138](#) added a class D felony penalty for 4<sup>th</sup> degree sexual assault involving victims under age 16. In other instances, the legislature carved out part of a misdemeanor crime to create a specific crime punishable as a felony. For example, prior to 1997, impersonating a police officer was part of a misdemeanor crime involving impersonating various officials and [PA 97-123](#) created a separate felony crime of impersonating a police officer, with the only change being the increased penalty.

We also include in this report nine instances where the legislature raised the penalty for certain assaults by creating a specific penalty (a class C felony) for assaulting certain professionals or personnel intending to prevent them from performing their duties (such as public transit or health care personnel). Previously, these assaults were punishable, along with any other assaults that cause physical injury, as the class A misdemeanor of 3<sup>rd</sup> degree assault.



## MISDEMEANORS INCREASED TO FELONIES

Table 1 lists, in chronological order, public acts we found that increased the penalties for crimes from misdemeanors to felonies from 1995 to 2015. It briefly describes any of the changes in conduct or circumstances required to commit the crimes. Please note that later acts may have changed the conduct or penalties for the crimes described in this table (for example, later legislation may have further increased the felony penalty for one of the crimes).

**Table 1: Misdemeanors That Became Felonies Since 1995**

<b>Public Act</b>	<b>Crime</b>	<b>Prior Penalty</b>	<b>Penalty Under the Act</b>
<a href="#">95-206</a>	Custodial interference involving detaining a child out of state (prior to the act, this conduct was punishable as 2 <sup>nd</sup> degree custodial interference and the act made it punishable under the 1 <sup>st</sup> degree crime)	Class A misdemeanor (punishable by up to one year in prison, up to \$2,000 fine, or both)	Class D felony (punishable by up to five years in prison, up to \$5,000 fine, or both)
<a href="#">95-258</a>	Misusing or counterfeiting a stamp or label of a mechanic or manufacturer	Up to six months in prison, up to \$100 fine, or both	Up to five years in prison, up to \$250,000 fine, or both
<a href="#">95-258</a>	Fraudulent use of a registered trademark or service mark	Up to 30 days in prison, up to \$500 fine, or both	Up to five years in prison, up to \$250,000 fine, or both
<a href="#">95-258</a>	Other fraudulent activities related to trademarks and other marks	Three months to one year in prison, \$100 to \$200 fine, or both	Up to five years in prison, up to \$250,000 fine, or both
<a href="#">96-243</a>	Activities related to promoting, assisting in, or witnessing animal fighting exhibitions (the act also alters the conduct punishable as a crime)	Up to one year in prison, up to \$1,000 fine, or both	Up to five years in prison, up to \$5,000 fine, or both
<a href="#">97-123</a>	Impersonating a local or state police officer (the act separated this conduct from an existing crime and created a new felony)	Class B misdemeanor (punishable by up to six months in prison, up to \$1,000 fine, or both)	Class D felony
<a href="#">97-147</a>	Falsely reporting an incident involving a report of death or serious injury (the act separated this conduct from an existing false reporting crime and created a new felony)	Class A misdemeanor	Class D felony
<a href="#">97-164</a>	Acting as a pawnbroker without a license (the act also altered various requirements for pawnbrokers)	1 <sup>st</sup> offense: up to \$50 fine 2 <sup>nd</sup> offense: up to \$100 fine 3 <sup>rd</sup> offense: up to six months in prison, up to \$500 fine, or both	Class D felony

Table 1 (continued)

<b>Public Act</b>	<b>Crime</b>	<b>Prior Penalty</b>	<b>Penalty Under the Act</b>
<a href="#">98-41</a>	Certain assaults on reasonably identifiable Judicial Branch employees providing secure juvenile detention or Department of Children and Families employees working at Long Lane School, when intended to prevent the person from performing his or her job (at least some of this conduct was previously punishable as 3 <sup>rd</sup> degree assault)	Class A misdemeanor	Class C felony (punishable by up to 10 years in prison, up to \$10,000 fine, or both)
<a href="#">99-171</a>	Increasing speed in attempt to escape police, 1 <sup>st</sup> offense causing serious injury or death (prior to the act, all 1 <sup>st</sup> violations were class A misdemeanors and the act increased the penalty only if the conduct caused serious physical injury or death)	Up to one year in prison, \$500 to \$1,000 fine, or both	Class D felony
<a href="#">02-127</a>	Criminal violation of a protective order	Class A misdemeanor	Class D felony
<a href="#">02-138</a>	Sexual assault, 4 <sup>th</sup> degree, involving victims under age 16 (prior to the act, all 4 <sup>th</sup> degree sexual assaults were misdemeanors and the act increased the penalty when the victim is under age 16)	Class A misdemeanor	Class D felony
<a href="#">03-6</a>	Certain assaults on reasonably identifiable civilian municipal police department employees providing lockup and holding facility security, when intended to prevent the person from performing his or her job (at least some of this conduct was previously punishable as 3 <sup>rd</sup> degree assault)	Class A misdemeanor	Class C felony
<a href="#">03-114</a>	Voyeurism	Class A misdemeanor	Class D felony
<a href="#">03-259</a>	Commercial bribery	Class A misdemeanor	Class D felony
<a href="#">03-259</a>	Receiving a commercial bribe	Class A misdemeanor	Class D felony
<a href="#">03-259</a>	Hindering prosecution, 3 <sup>rd</sup> degree	Class A misdemeanor	Class D felony
<a href="#">04-38</a>	Public officials' or lobbyists' code of ethics violations	Up to one year in prison, up to \$2,000 fine, or both	Class D felony ( <a href="#">PA 04-198</a> made it a class D felony only when the person derived a financial benefit of at least \$1,000 or it was a subsequent violation)
<a href="#">04-139</a>	Enticing a minor, 1 <sup>st</sup> offense	Class A misdemeanor	Class D felony
<a href="#">04-241</a>	Certain assaults on reasonably identifiable volunteer canine search and rescue team members, when intended to prevent the person from performing his or her job (at least some of this conduct was previously punishable as 3 <sup>rd</sup> degree assault)	Class A misdemeanor	Class C felony
<a href="#">05-147</a>	Criminal violation of a restraining order	Class A misdemeanor	Class D felony

Table 1 (continued)

<b>Public Act</b>	<b>Crime</b>	<b>Prior Penalty</b>	<b>Penalty Under the Act</b>
<a href="#">05-180</a>	Certain assaults on reasonably identifiable Department of Revenue Services special policemen (tax enforcement agents), when intended to prevent the person from performing his or her job (at least some of this conduct was previously punishable as 3 <sup>rd</sup> degree assault)	Class A misdemeanor	Class C felony
<a href="#">06-139</a>	Work hours of minors, elderly, or persons with disabilities in manufacturing or mechanical establishments	1 <sup>st</sup> offense: up to \$25 fine Subsequent offense: up to 30 days in prison, up to \$100 fine, or both	Up to five years in prison, \$2,000 to \$5,000 fine, or both
<a href="#">06-139</a>	Work hours of minors, elderly, or persons with disabilities in mercantile establishments	Up to \$100 fine	Up to five years in prison, \$2,000 to \$5,000 fine, or both
<a href="#">06-139</a>	Night work of minors	1 <sup>st</sup> offense: up to \$50 fine Subsequent offense: up to 30 days in prison, up to \$200 fine, or both	Up to five years in prison, \$2,000 to \$5,000 fine, or both
<a href="#">06-139</a>	Work hours of minors, elderly, and persons with disabilities in specified establishments (other than those mentioned above)	Up to \$200 fine	Up to five years in prison, \$2,000 to \$5,000 fine, or both
<a href="#">06-139</a>	Employment of minors prohibited, with some exceptions, in specified occupations	Up to \$200 fine	Up to five years in prison, \$2,000 to \$5,000 fine, or both
<a href="#">06-139</a>	Hazardous employment of children prohibited	Up to \$200 fine	Up to five years in prison, \$2,000 to \$5,000 fine, or both
<a href="#">06-139</a>	Parent or guardian prohibited from permitting minors to work in violation of specified labor laws	Up to \$50 fine	Up to five years in prison, \$2,000 to \$5,000 fine, or both
<a href="#">07-116</a>	Fraudulent or malicious applications or false testimony under the provisions on applying for involuntary conservators (the act also alters the conduct for this crime)	Up to one year in prison, a fine of up to \$1,000, or both	Class D felony
<a href="#">07-123</a>	Violation of conditions of release (the act split the crime into 1 <sup>st</sup> and 2 <sup>nd</sup> degree crimes and raised the penalty for 1 <sup>st</sup> degree violations involving a person charged with a felony)	Class A misdemeanor	Class D felony
<a href="#">07-206</a>	Criminal simulation	Class A misdemeanor	Class D felony

Table 1 (continued)

<b>Public Act</b>	<b>Crime</b>	<b>Prior Penalty</b>	<b>Penalty Under the Act</b>
<a href="#">08-150</a>	Certain assaults on reasonably identifiable Department of Motor Vehicle inspectors designated to enforce motor vehicle laws, when intended to prevent the person from performing his or her job (at least some of this conduct was previously punishable as 3 <sup>rd</sup> degree assault)	Class A misdemeanor	Class C felony
<a href="#">09-191</a>	Certain assaults on reasonably identifiable public transit personnel, when intended to prevent the person from performing his or her job (at least some of this conduct was previously punishable as 3 <sup>rd</sup> degree assault)	Class A misdemeanor	Class C felony
<a href="#">10-102</a>	Refusing to give a required DNA sample	Class A misdemeanor	Class D felony
<a href="#">11-175</a>	Certain assaults on reasonably identifiable health care employees, when intended to prevent the person from performing his or her job (at least some of this conduct was previously punishable as 3 <sup>rd</sup> degree assault)	Class A misdemeanor	Class C felony
<a href="#">12-86</a>	Animal cruelty, subsequent violations (prior violations were all misdemeanors and the act created a penalty for subsequent violations)	Up to one year in prison, up to \$1,000 fine, or both	Up to five years in prison, up to \$5,000 fine, or both
<a href="#">12-193</a>	Influencing or attempting to influence a voter to refrain from voting (the act also changed the conduct required to commit this crime)	Three months to one year in prison, up to \$500 fine, or both	Class D felony
<a href="#">12-193</a>	Threatening, forcing, or bribing a voter; suppressing or destroying any vote; miscounting any vote; or falsely or wrongfully announcing results	Up to one year in prison, up to \$1,000 fine, or both	Class C felony
<a href="#">12-193</a>	Employers attempting to influence, threaten, or retaliate against an employee in connection with an election or meeting	Six months to one year in prison, fine of \$100 to \$500, or both	Class D felony
<a href="#">13-3</a>	Ineligible person soliciting or using a straw man to obtain a firearm	Class B misdemeanor or class A misdemeanor if the violation involved multiple firearms	Class D felony, with a one-year mandatory minimum and mandatory \$3,000 fine unless the court remits or reduces it Class C felony if actually obtain the firearm, with a two-year mandatory minimum and mandatory \$5,000 fine unless the court remits or reduces it

Table 1 (continued)

<b>Public Act</b>	<b>Crime</b>	<b>Prior Penalty</b>	<b>Penalty Under the Act</b>
<a href="#">13-29</a>	Unauthorized practice of law (the act retained the prior penalty for certain violations by attorneys admitted in other jurisdictions)	Class C misdemeanor (punishable by up to three months in prison, up to \$500 fine, or both)	Class D felony
<a href="#">13-111</a>	Certain assaults on reasonably identifiable liquor control agents, when intended to prevent the person from performing his or her job (at least some of this conduct was previously punishable as 3 <sup>rd</sup> degree assault)	Class A misdemeanor	Class C felony
<a href="#">13-166</a>	Patronizing a prostitute when the actor knew or reasonably should have known that the prostitute was under age 18 or a human trafficking victim (prior to the act, all patronizing a prostitute crimes were misdemeanors and the act increased the penalty under the circumstances described above)	Class A misdemeanor	Class C felony
<a href="#">13-282</a>	Replacement air bag violations (the act also expands the conduct covered by this crime)	Class A misdemeanor	Class D felony
<a href="#">13-300</a>	Interfering with an officer if the interference causes death or serious injury (prior to the act, all violations were misdemeanors and the act increased the penalty when death or serious injury occurs)	Class A misdemeanor	Class D felony
<a href="#">15-205</a>	Failure of a mandated reporter to report suspected child abuse or neglect if the violation is (1) a subsequent violation; (2) willful, intentional, or due to gross negligence; or (3) based on the reporter's actual knowledge (prior to the act, all violations were misdemeanors and the act increased the penalty under the circumstances described above)	Class A misdemeanor	Class E felony (punishable by up to three years in prison, a fine of up to \$3,500, or both)
<a href="#">15-211</a>	Intentionally causing physical injury by striking another person in the head while the person is in a lying position (intentionally causing physical injury in any manner is punishable as 3 <sup>rd</sup> degree assault (a class A misdemeanor) and the act increased the penalty for the specific conduct described above by adding it to the 2 <sup>nd</sup> degree assault crime (a class D felony))	Class A misdemeanor	Class D felony, or class C felony if the offense results in serious physical injury
<a href="#">15-211</a>	Certain assaults on reasonably identifiable state or municipal animal control officers or licensed and registered security officers, when intended to prevent the person from performing his or her job (at least some of this conduct was previously punishable as 3 <sup>rd</sup> degree assault)	Class A misdemeanor	Class C felony

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