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BILL ANALYSIS

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Senate Bill 279 (as reported without amendment)
Sponsor: Senator Rudy J. Nichols
Committee: Judiciary

Date Completed: 5-1-89

RATIONALE

The Code of Criminal Procedure provides that persons who commit a crime punishable by imprisonment while incarcerated in, or during an escape or on parole from, a State penal institution are subject to a consecutive sentence for the subsequent crime. In addition, Senate Bill 17, which has been passed by the Senate, would subject a person who committed a crime while on probation, and who subsequently was sentenced to imprisonment, to a consecutive sentence. Some people believe that a person who was convicted of multiple felonies also should be subject to a consecutive sentence for the second or subsequent convictions.

CONTENT

The bill would amend the Code of Criminal Procedure to authorize courts to impose a consecutive sentence for a second or subsequent felony conviction.

A court that imposed sentence for a second or subsequent offense, whether the felonies were in the same proceeding or court or in different proceedings or courts, would have to specify whether the sentence was to run concurrently with or consecutively to the sentence for the other or most recent conviction. If the court failed to specify, the sentence would have to run concurrently with any other sentence imposed. If a consecutive sentence were imposed, the prison term for the second or subsequent offense would have to begin at the termination of the term of imprisonment for the most recent conviction.

Proposed MCL 769.9a

FISCAL IMPACT

The bill would result in an indeterminate expenditure increase for the State in FY 1988-89. The indeterminate increase would be the result of two primary factors:

- The date the bill would take effect during FY 1988-89.
- The number of persons on whom the court would impose consecutive versus concurrent sentencing.

If the court imposed the consecutive sentence option, based on a \$19,200 average cost per prisoner for FY 1988-89, the State would experience an increased cost of \$19,200 for each year of the consecutive sentence.

ARGUMENTS**Supporting Argument**

The bill would permit a judge to subject persons convicted of multiple felonies to the same consecutive sentencing provision for a subsequent crime that is mandated for persons who commit crimes while incarcerated or on parole. By allowing for more severe punishment than currently is permitted, the bill would serve as a deterrent to the commission of multiple felonies.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.

S.B. 279 (5-1-89)