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BILL



ANALYSIS

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Senate Bill 511 (Substitute S-3 as reported)
Sponsor: Senator Joe Young, Jr.
Committee: Judiciary

CONTENT

The bill would amend the Michigan Penal Code to add second-degree criminal sexual conduct and first- and second-degree home invasion to the offenses included in the Code's "felony murder" provision. (Under that provision, murder committed in the perpetration or attempt of certain felonies, including arson, constitutes first-degree murder, which requires a sentence of life in prison without possibility of parole.) For purposes of the felony murder provision, the bill would define "arson" as any felony violation of the Code's arson and burning offenses.

The bill is tie-barred to Senate Bill 565, which would make similar revisions to the Code.

MCL 750.316

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State government.

To the extent that the inclusion of second-degree criminal sexual conduct (CSC), and home invasion in the first or second degree into the list of crimes that require mandatory life prison sentences for a murder committed during the commission of the crime increased the length of prison sentences for those offenders, costs for the Department of Corrections would increase. Under current law, an offender who commits murder during second-degree CSC or home invasion of the first or second degree may be sentenced to life, but a life sentence is not mandatory.

In 1994, there were a total of roughly 318 prison commitments for second-degree CSC, and none of those commitments involved offenses resulting in death (although approximately 11 involved serious injury). Assuming that 1994 commitments reflect future commitment patterns, given the anticipated few deaths resulting from a second-degree CSC offense, the addition of a mandatory life sentence for offenders convicted of murder during second-degree CSC is not expected to increase significantly costs of incarceration. (Further, if a murder occurs during a second-degree CSC offense, that offender currently may be subject to a life sentence.)

Also in 1994, there were a total of approximately 1,061 prison commitments for breaking and entering of either an occupied or unoccupied building. (Current data do not yet distinguish between the two degrees of home invasion.) Of those commitments, approximately four offenses resulted in death. (In addition, a weapon was used in approximately 122 of the commitments, and 19 commitments involved a serious injury.) Assuming that 1994 commitments reflect future commitment patterns, given the small anticipated number of deaths resulting from a home invasion offense, the addition of a mandatory life sentence for offenders convicted of murder during home

invasion is not expected to increase costs of incarceration significantly, especially given that if a murder were to occur during a home invasion offense, that offender currently may be subject to a life sentence.

Finally, to the extent that more clearly defining "arson" in terms of a crime eligible for a mandatory life sentence for offenses during which a murder occurs, resulted in an increased number of mandatory life sentences, costs for the Department could increase. There are no data readily available on the number of arson offenses involving murder that occur annually, or what type of sentences these offenders currently receive.

As a point of information, the table below describes the top 10 most frequent crimes for 1994 life term prison commitments.

Murder - first degree	150
Delivery 650 grams controlled substance	21
Robbery - Armed	19
Murder - second degree	19
CSC - first degree	17
Assaults (incl. with intent to murder, rob, or do great bodily harm)	16
Kidnapping	2
Aggravated stalking	1

Data included in this analysis are draft data from the Department of Corrections.

Date Completed: 9-27-95

Fiscal Analyst: M. Hansen

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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.