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**SFA****BILL ANALYSIS**

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Senate Bill 755 (as reported without amendment)  
Sponsor: Senator Loren Bennett  
Committee: Education

### **CONTENT**

The bill would amend the Code of Criminal Procedure to allow a prosecuting attorney to seek an enhanced sentence for a person convicted of a felony or misdemeanor that was committed on school property against a teacher, administrator, employee, volunteer, or student of that school; and establish sentences that would apply if a prosecutor sought sentence enhancement.

If the crime were punishable by imprisonment for life or any term of years, the person would have to be imprisoned for life or any term of years but not less than 20 years. If the crime were a felony or punishable by imprisonment for more than one year, the person would be guilty of a felony and could be imprisoned for twice the authorized term and/or fined twice the authorized fine. If the crime were a misdemeanor punishable by imprisonment for not more than one year, the person would be guilty of a misdemeanor and could be imprisoned for twice the authorized term and/or fined twice the authorized fine. If a mandatory minimum were prescribed for a crime, the court would have to impose a minimum sentence that was equal to or greater than the mandatory minimum.

A prosecuting attorney could seek to enhance a defendant's sentence by filing a notice of intent to do so after a defendant's arraignment, or after a defendant had been convicted of an offense or a lesser offense upon his or her plea of guilty or nolo contendere. The court would have to determine by a preponderance of the evidence and without a jury whether the crime occurred on school property and was against a teacher, administrator, employee, school volunteer, or student.

Proposed MCL 769.15

Legislative Analyst: L. Arasim

### **FISCAL IMPACT**

The bill would have an indeterminate, yet cost increasing effect on State and local government. The enhanced punishment would be based on the statutory sentence, and would either double or increase the term of imprisonment and/or fine. The types and numbers of crimes committed on school property or against school personnel are unknown. The crime location is neither reported in the uniform crime statistics, nor available in combined school records. However, the location of hate crimes is recorded, and in 1996, about 13% of hate crimes occurred at schools or colleges. The relation of hate crimes to other sorts of crime is unknown. As the number of crimes committed at schools each year is unknown, so too, the number of cases in which the prosecutor would ask for enhanced penalties is indeterminate.

Date Completed: 10-15-97

Fiscal Analyst: K. Firestone

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