



**House
Legislative
Analysis
Section**

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**SENTENCING GUIDELINES FOR
GRADUATED DRIVERS LICENSE ACT
REVISIONS**

**House Bill 4779 (Substitute H-2)
First Analysis (5-11-00)**

**Sponsor: Rep. Paul DeWeese
Committee: Criminal Law and Corrections**

THE APPARENT PROBLEM:

House Bill 4778 was passed by the House on April 11, 2000. The bill would amend the Michigan Vehicle Code provisions regarding graduated driver licenses. Among other things, as it was passed by the House, the bill would create six new felony provisions. It would be a felony to corrupt or attempt to corrupt a designated examining officer appointed or designated by the secretary of state, by giving or promising any gift or gratuity with the intent to influence the decision of the examining officer conducting a test. Further, a designated examining officer appointed or designated by the secretary of state who conducts a behind-the-wheel road test under an agreement, and who varies from or in any way changes the method or examination criteria prescribed to be followed under that agreement, would be guilty of a felony. Finally, a person who forged, counterfeited or altered a satisfactorily completed behind-the-wheel road test certification issued by a designated examining officer also would be guilty of a felony. Each of these felonies would apply to tests for operator's or chauffeur's licenses and for motorcycle endorsements on such licenses. Although it has been passed by the House, House Bill 4778 does not include a sentencing guidelines amendment to set the guidelines for these crimes. Legislation has been introduced to amend the statutory sentencing guidelines to include these crimes.

THE CONTENT OF THE BILL:

House Bill 4779 would amend the Code of Criminal Procedure's statutory sentencing guidelines to include certain crimes that would be established by House Bill 4778. House Bill 4778 (to which House Bill 4779 would be tie-barred) would amend the Michigan Vehicle Code's graduated driver license program that was adopted by the legislature as Public Act 387 of 1996. [For further information, see the House Legislative Analysis Section's analysis of House Bill 4778 as passed by the House, dated 4-14-00.]

-- Corrupting or attempting to corrupt an examining officer would be a class F crime against public order with a statutory maximum of 5 years.

-- Examining officer deviating from criteria for a road test would be a class F crime against public order with a statutory maximum of 5 years.

-- Forging, counterfeiting, or altering a road test certification would be a class F crime against public order with a statutory maximum of 5 years.

-- Corrupting or attempting to corrupt a person or agency conducting a motorcycle driving test would be a class F crime against public order with a statutory maximum of 5 years.

-- Examining officer deviating from criteria for a motorcycle road test would be a class F crime against public order with a statutory maximum of 5 years.

-- Forging, counterfeiting, or altering a motorcycle road test certification would be a class F crime against public order with a statutory maximum of 5 years.

The bill would also remove the sentencing guideline for the crime of disposing of a vehicle to avoid forfeiture (this crime was changed to a misdemeanor by Public Act 349 of 1998).

MCL 777.12

FISCAL IMPLICATIONS:

Fiscal information is not available.

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ARGUMENTS:

For:

Statutory sentencing guidelines are part of an ongoing effort to provide for consistent sentencing for crimes throughout the state. As the legislature creates new crimes, the guidelines need to be amended to include those crimes so that penalties for the crimes will be consistent throughout the state and with existing crimes. The passage of House Bill 4778 necessitates the passage of this bill so that the crimes that would be established under House Bill 4778 will be included in the guidelines.

POSITIONS:

There are no positions on the bill.

Analyst: W. Flory

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.