

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 217 (Substitute S-1 as reported)
Sponsor: Senator George Z. Hart
Committee: Judiciary

CONTENT

The bill would amend the Code of Criminal Procedure to include in statutory sentencing guidelines the offense of using the Internet or a computer for crimes involving minors, as proposed by Senate Bill 7. A first offense, which would be punishable by up to two years' imprisonment, would be categorized as a Class G felony against a person; a second or subsequent offense, which would be punishable by up to five years' imprisonment, would be categorized as a Class E felony against a person.

The bill is tie-barred to Senate Bill 7 and would take effect 90 days after its enactment.

MCL 777.16g

Legislative Analyst: P. Affholter

FISCAL IMPACT

Senate Bills 7 (S-1) and 217 (S-1) would result in an indeterminate, yet potential additional cost for State and local government. In 1996, 2,386 criminal dispositions involved Section 145c, 349, 411h, 411i, 520b-520e, or 520g of the Penal Code, dealing with child abusive commercial activity, kidnapping, stalking, or criminal sexual conduct. Of the 2,386 criminal dispositions, about half of the offenders were sentenced to prison and half received jail, probation, or other sanctions. It is unknown how many of the victims were minors or how many offenders used the Internet to facilitate the crime. Additionally, in 1996, three criminal dispositions involved Section 157c of the Penal Code dealing with soliciting a minor to commit a crime. It appears that no criminal dispositions involved Section 350, or 145a of the Penal Code, dealing with child kidnapping and enticement.

Given that the average cost of incarcerating a prisoner is about \$18,000, and that under current law, an offender with a two-year maximum sentence would spend about 16 months in prison, the added penalty under the proposed legislation would increase the cost of a prison term about \$24,000. The prison term for a second or subsequent offense, under current sentencing practices, would increase a prison term by about 40 months, for an additional cost of \$60,000. Although there is no way of knowing how many of the 1996 criminal dispositions involved minors and Internet facilitation, if one assumed that 5% of the 1996 criminal dispositions with prison terms involved minors, the Internet, and nonconcurrent sentences, and that half were second or subsequent offenses, prison term costs could increase by \$2,310,000 in the long run.

Date Completed: 2-4-99

Fiscal Analyst: K. Firestone