

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 288 (as reported without amendment)
Sponsor: Senator Virgil C. Smith, Jr.
Committee: Judiciary

CONTENT

The bill would amend the Code of Criminal Procedure to revise the sentencing guidelines classification for operating a "chop shop". The bill is tie-barred to Senate Bill 106, which would amend the Michigan Penal Code to increase the maximum penalty for operation of a chop shop.

Under the Code of Criminal Procedure's sentencing guidelines provisions, operating a chop shop (MCL 750.535a) is categorized as a Class E felony against the public order, with a statutory maximum sentence of up to five years' imprisonment. Under Senate Bill 288, the offense would be a Class C felony against the public order, with a statutory maximum sentence of up to 15 years' imprisonment, as proposed by Senate Bill 106.

(Under the Michigan Penal Code, "chop shop" means an area, building, storage lot, field, or any other premises or place in which one or more persons are engaged or have engaged in altering, dismantling, reassembling, or in any way concealing or disguising the identity of a stolen motor vehicle or any major component part of a stolen motor vehicle, or in which there are three or more stolen motor vehicles present or there are major component parts from three or more stolen motor vehicles present.)

MCL 777.16z

Legislative Analyst: P. Affholter

FISCAL IMPACT

Senate Bill 288 would have an indeterminate fiscal impact on State and local government.

Enacted sentencing guidelines currently classify MCL 750.535a as a Class E crime, for which the minimum sentencing range, based on crime and offender characteristics, is from 0-3 months to 24-38 months. The bill would change the minimum sentence to Class C, for which the minimum sentencing range is from 0-11 months to 62-114 months.

In 1996, there were 57 total dispositions for this offense with 13, or 23% committed to State prison. Assuming that 1996 data are consistent with the number sentence to prison annually for this crime, that the minimum sentence imposed is 18 months, and that the minimum sentence would increase by 1.7%, those 13 offenders would serve 31 months. Further, given that the average per diem for a minimum security prisoner reported for FY 1997-98 by the Department of Corrections was \$44.36, the average annual cost for the additional months of incarceration would be \$245,000, and the average annual cost would be \$536,000.

Date Completed: 2-16-99

Fiscal Analyst: K. Firestone

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Analysis available @ <http://www.michiganlegislature.org>

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.