

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 430 (as introduced 3-11-99)
Sponsor: Senator Bill Bullard, Jr.
Committee: Judiciary

Date Completed: 4-27-99

CONTENT

The bill would amend the Michigan Penal Code to include carjacking in the Code's felony murder provision. Under this provision, murder committed in the perpetration or attempt of certain felonies constitutes first-degree murder and requires a sentence of life imprisonment. The offenses currently include: arson; first-, second-, and third-degree criminal sexual conduct; first-degree child abuse; a major controlled substance offense; robbery; breaking and entering of a dwelling; first- and second-degree home invasion; larceny of any kind; extortion; and kidnapping.

A person is guilty of carjacking if he or she, by force or violence, by threat of force or violence, of by putting another in fear, robs, steals, or takes a motor vehicle from another person, in the presence of that person, a passenger, or any other person in lawful possession of the vehicle. Carjacking is a felony punishable by imprisonment for life or any term of years.

MCL 750.316

Legislative Analyst: S. Lowe

FISCAL IMPACT

The bill could result in increased costs to the State. To the extent that offenders who commit a murder during the commission of any felony, are currently convicted of a felony other than first-degree murder, and receive a prison sentence other than life in prison, and who under the bill would receive a life sentence as required by the first-degree murder statute, the cost of incarceration would increase. Carjacking has a maximum sentence of life. In 1997, there were 106 offenders committed to State prison for carjacking with an average minimum sentence of 4.8 years. None of the 106 offenders was sentenced to a minimum life sentence, and there are no data to indicate how many of these commitments involved murder in the commission of the crime. However, according to the Uniform Crime Report, in 1996 and 1997, one murder each year involved motor vehicle theft.

Assuming that one commitment a year was for carjacking resulting in death and the offender was sentenced under the first-degree murder statute, and assuming that the offender otherwise would be sentenced under the carjacking statute to five years in prison, and assuming a life sentence is 50 years of incarceration, given that the average cost of incarceration is \$22,000 per year, the cost to incarcerate the offender would increase \$990,000.

Fiscal Analyst: K. Firestone

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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.