
Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA**BILL ANALYSIS**

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 551 (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 classifications for aiding or allowing a prisoner to escape. The bill is tie-barred to Senate Bill 103, which would increase the maximum penalty for those offenses.

Under the Code, aiding an escaping prisoner is categorized as a Class E felony against public safety, with a statutory maximum sentence of seven years' imprisonment. Under Senate Bill 551, the offense would be a Class C felony against public safety, with a statutory maximum of 15 years' imprisonment, as proposed by Senate Bill 103.

The bill would delete the current sentencing guidelines provision for "voluntarily suffering a prisoner to escape", which is categorized as a felony against the public order with a variable statutory maximum penalty and no specified Class designation (because the penalty is dependent upon other factors). The bill would replace that with the felony of "allowing a prisoner to escape", which would be categorized as a Class C felony against public safety, with a statutory maximum of 15 years' imprisonment, as proposed by Senate Bill 103.

MCL 777.16j & 777.18

Legislative Analyst: P. Affholter

FISCAL IMPACT

Senate Bill 551 would increase costs for State government. The bill would increase the minimum guidelines sentence for aiding a prisoner to escape by changing the crime from a Class E crime with a maximum minimum penalty of 24-38 months to a Class C crime with a maximum minimum penalty of 62-114 months. However, the companion bill, Senate Bill 103, would establish a statutory minimum sentence of 10 years in prison. Under the Code of Criminal Procedure, a sentence of a statutory minimum is not considered a departure from sentencing guidelines, and therefore may be assumed to be the penalty that will be used by judges. In 1997, there were two convictions for aiding a prisoner to escape and two convictions for second violations. Of those four convictions, one received a prison sentence. Also in 1997, one person was committed to prison for aiding a prisoner to escape, with a minimum sentence of three years. Assuming that a prisoner serves the entire minimum sentence and would serve 10 years instead of three years, given that the average annual cost of incarceration is \$22,000, in the long run the cost incurred for incarcerating one prisoner a year would increase by \$154,000.

Also, the bill would establish a crime class for allowing a prisoner to escape. In 1997, there were no convictions for this offense. Because the underlying crime presently determines the minimum sentence imposed, the fiscal impact of this section of the bill is indeterminate.

Date Completed: 4-30-99

Fiscal Analyst: K. Firestone

[floor/sb551](#)

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.