

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 571 (as reported without amendment)
Sponsor: Senator Dave Jaye
Committee: Judiciary

CONTENT

The bill would include in the Code of Criminal Procedure's sentencing guidelines provisions felonies proposed by Senate Bill 566 (S-1) for a second, third, or subsequent offense of failure to register as a sex offender, and revise the sentencing guidelines provision for a first offense. Currently, failure to register as a sex offender is categorized as a Class G felony against the public order, with a statutory maximum sentence of four years' imprisonment. Under the bill, a first offense of failure to register would be reclassified as a Class F felony against the public order, with a statutory maximum of four years. A second offense of failure to register would be a Class D felony against the public order, with a statutory maximum sentence of seven years' imprisonment as proposed by Senate Bill 566. A third or subsequent offense of failure to register would be a Class D felony against the public order, with a statutory maximum sentence of 10 years' imprisonment, as proposed by Senate Bill 566.

MCL 771.11

Legislative Analyst: P. Affholter

FISCAL IMPACT

Senate Bill 571 would establish graduated sentencing guidelines criteria for the felony of failing to register as a sex offender based on the number of previous offenses. For offenders with no previous convictions who failed to register as a sex offender, the sentencing guidelines grid would increase from the "G" grid with a maximum minimum sentence of 7-23 months to the "F" with a maximum minimum sentence of 17-30 months. As a result, costs or fine revenues for the State or local units of government would increase.

In 1997, there were 16 dispositions involving failure to register as a sex offender, with nine offenders given a prison sentence. There are no data available to indicate how many times the offenders had previously been convicted of the same crime, nor are there data to indicate how many more people could be convicted of this offense as a result of the proposed changes.

To the extent that Senate Bill 566 (S-1) would require minimum sentences of one year for first-time offenders, two years for second-time offenders, and five years for subsequent offenders, the minimum sentence range established in the sentencing guidelines would not control the lowest minimum sentence imposed. Assuming that the number of dispositions in 1997 remains constant, that offenders serve a term of incarceration in State facilities equal to the required minimum sentence for the number of previous violations, and that one-third of the offenders have never been convicted, one-third of the offenders have one prior conviction, and one-third have two or more prior convictions, given that the average annual cost of incarceration is \$22,000, the cost to incarcerate offenders for this offense would be \$880,000 per year.

Date Completed: 5-10-99

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.