
Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 597 (Substitute S-1 as reported by the Committee of the Whole)

Sponsor: Senator Joel D. Gougeon

Committee: Judiciary

CONTENT

The bill would amend the Code of Criminal Procedure to include in the Code's sentencing guidelines provisions the felony of embezzlement by a person in a relationship of trust with a vulnerable adult, as proposed by Senate Bill 378. The offense would be categorized as a Class D property felony, with a statutory maximum sentence of 10 years' imprisonment.

The bill is tie-barred to Senate Bill 378 and would take effect 90 days after its enactment.

MCL 777.16i

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. There are no data available to indicate how many people may be convicted of embezzlement by a fiduciary. The proposed crime would carry a penalty (10 years' maximum imprisonment and/or up to a \$5,000 fine) similar to the penalty for embezzlement by an agent under MCL 750.174. In 1997, there were 49 people committed to State correctional facilities for violation of MCL 750.174 and, of those, 86% had minimum sentences of three years or less.

The bill would assign this crime to sentencing guideline grid "D" for determination of the minimum sentence. The minimum sentence range on the "D" grid is from 0-6 months' incarceration to 43-76 months' incarceration. Assuming that the number of offenders and the average minimum sentence imposed for the proposed crime would be equal to the 1997 data for the existing crime and offenders would serve a three-year minimum sentence under the enacted guidelines, given that an annual cost of incarceration is \$22,000, the cost for offenders convicted of this crime would be \$1,716,000.

Date Completed: 11-2]-99

Fiscal Analyst: K. Firestone