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Senate Bill 735 (as enrolled)
Senate Bill 736 (as enrolled)
Sponsor: Senator Thaddeus McCotter (Senate Bill 735)
Senator Shirley Johnson (Senate Bill 736)
Committee: Judiciary

Date Completed: 10-19-99

RATIONALE

After two students at Columbine High School in Littleton, Colorado went on a shooting rampage and bombing spree in the school, killing 15 people including themselves, numerous high schools around Michigan and across the country were the targets of bomb threats. While the vast majority of the bomb threats turned out to be false reports, the threats and the reactions to them apparently were very disruptive to the school districts and to the lives of the students and staff at the affected schools. Although falsely reported crimes are already illegal under the Michigan Penal Code (which includes specific provisions relating to bombings and bomb threats), some people believe that threatening, while on school property, to damage or destroy property that likely would cause the death of a person could be more effectively deterred and more properly punished if criminal penalties were explicitly applied to such threats.

CONTENT

Senate Bills 735 (S-1) and 736 (S-1) would amend the Michigan Penal Code and the Code of Criminal Procedure, respectively, to prohibit and provide criminal penalties for threatening, while on school property, to damage or destroy property in a manner likely to cause the death of another person, and to include that offense in the sentencing guidelines. The bills would take effect 90 days after their enactment, and Senate Bill 736 (S-1) is tie-barred to Senate Bill 735.

Senate Bill 735 (S-1)

Under the bill, threatening to damage or destroy any property in a manner likely to cause the death of another person, while on school property, would be a felony punishable by up to four years' imprisonment, a maximum fine of \$2,000, or both. The bill would not prohibit a person from being

convicted of or sentenced for any other violation of law arising out of the same transaction.

"School" would mean a public, private, denominational, or parochial school offering developmental kindergarten, kindergarten, or any grade from 1 through 12, or a junior college, college, or university.

"School property" would mean a building, playing field, or property used to impart instruction to students attending that school or used for functions and events sponsored by that school.

Senate Bill 736 (S-1)

Making a threat on school property, as proposed by Senate Bill 735 (S-1), would be categorized as a Class F felony against the public order, with a maximum sentence of four years' imprisonment.

Proposed MCL 750.411r (S.B. 735)
MCL 777.16t (S.B. 736)

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Given recent violent events at schools, threats to destroy property on school grounds must be taken very seriously. There is nothing funny about making threats, such as false bomb threats, on school property in light of the tragedy at Columbine High School and other schools across the nation. Threats on school property undermine the security and sanctity of those institutions and can create an immeasurable emotional cost for those who are forced to endure them. If a school receives a bomb threat, for example, the students, teachers and other personnel may have to be evacuated (which itself can be a dangerous situation); police may have to inspect the building and grounds with bomb-sniffing dogs; classroom time is lost, and pupils' attention may be diverted for days or weeks; counseling may be necessary; and parents might demand additional security measures.

The bills respond to a rash of false bomb threats at schools around the State after highly publicized and tragic, violent incidents occurred at several schools across the country, most notably the killing of 15 people and the rigging of various types of bombs at Columbine High School in Colorado. By establishing more specific penalties for threats, on school property, to destroy or damage property that would be likely to cause a person's death, the bills should serve as a deterrent to those threats.

Supporting Argument

Although the bills pertain specifically to threats on school property, the proposed penalties are consistent with penalties in the Penal Code and in revisions proposed by Senate Bills 633 through 635, which were recently passed by the Senate and deal with falsely reporting crimes, including those relating to a bombing, attempted bombing, or a threat to bomb. In addition, Senate Bills 735 (S-1) and 736 (S-1) would be in line with a recently enacted measure, Public Act 104 of 1999, requiring the expulsion of students who make bomb threats.

Response: Senate Bills 633 through 635, as passed by the Senate, also include provisions for the recovery of costs related to emergency responses to the threat or false report and the investigation and prosecution of the violation.

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bills would have an indeterminate impact on State and local government. There are no data to indicate how many offenders would be convicted of the proposed offense. The legislation would make the crime a Class F felony for which the minimum sentence range is between 0-3 months and 17-30 months. Absent a judicial departure, an offender sentenced at the lower end of the minimum sentence range would be subject to an intermediate sanction, which may include a jail term not to exceed 12 months, according to sentencing guidelines. Intermediate sanction costs and jail costs are borne by local units of government and vary among the counties.

Assuming that five offenders a year would be sentenced at the high end of the minimum sentence range, given that the average annual cost of incarceration is \$22,000, the cost of incarceration for this offense would be \$275,000.

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.