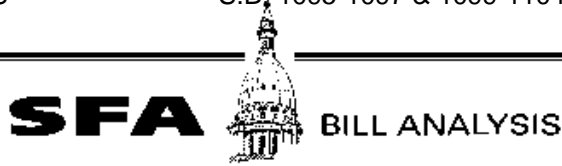


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Senate Bills 1095, 1096, 1097 and 1099 through 1104 (as introduced 3-8-00)

Sponsor: Senator Christopher D. Dingell

Committee: Government Operations

Date Completed: 3-15-00

CONTENT

Senate Bills 1095, 1097, 1099, 1100, 1102, 1103, and 1104 would repeal sections of the Michigan Penal Code that pertain to offenses involving railroads, railroad tickets, or railroad stock or bonds. Senate Bills 1096 and 1101 would delete provisions of the Code of Criminal Procedure that contain sentencing guidelines corresponding to the offenses that would be repealed by Senate Bills 1095 and 1100.

Senate Bill 1095 would repeal Section 179 of the Penal Code, which makes it a felony for an officer, agent, or employee of a railroad company to embezzle, dispose of, or convert to his or her own use any railroad passenger ticket, or to use tickets that previously had been used. Senate Bill 1096 would delete a provision of the Code of Criminal Procedure under which a violation of Section 179 is a Class G property offense subject to a statutory maximum sentence of four years' imprisonment.

Senate Bill 1097 would repeal Section 266 of the Penal Code, which makes it a felony to forge, counterfeit, or alter a railroad passenger ticket, with the intent to injure or defraud, or to sell a forged, altered, or counterfeit railroad passenger ticket.

Senate Bill 1099 would repeal Section 366 of the Penal Code, which makes larceny of railroad passenger tickets a felony.

Senate Bill 1100 would repeal Section 513 of the Penal Code, which makes it a felony, punishable by imprisonment for up to 10 years or a maximum fine of \$5,000, to make or issue any unauthorized or fraudulent certificate of stock, bond, or obligation of a railroad company. Senate Bill 1101 would delete a provision of the Code of Criminal Procedure under which a violation of Section 513 is a Class H property offense subject to a statutory maximum sentence of 10 years.

Senate Bill 1102 would repeal Section 514 of the Penal Code, which makes it a felony, punishable by imprisonment for up to 10 years or a maximum fine of \$5,000, to seize a locomotive that has an attached express or mail car, and run away with it upon a railroad.

Senate Bill 1103 would repeal Section 516 of the Penal Code, which makes it a felony, punishable by imprisonment for life or any term of years, to stop a railroad train, detach one part of a train from another, or compel an engineer or fireman to run a train contrary to his or her general order, for the purpose of wrecking or robbing the train or its passengers or employees, with intimidation or threat of life with firearms, dynamite, or other dangerous devices.

Senate Bill 1104 would repeal Section 517 of the Penal Code, which makes it a felony, punishable by imprisonment for life or any term of years, to enter upon a railroad train, passenger car, mail car, or express car, with intent to rob the train, car, passengers, or employees, by means of intimidation or by threat of life to the passengers or employees.

MCL 750.179 (S.B. 1095)
777.16i (S.B. 1096)
750.266 (S.B. 1097)
750.366 (S.B. 1099)

Legislative Analyst: S. Lowe

750.513 (S.B. 1100)
777.16x (S.B. 1101)
750.514 (S.B. 1102)
750.516 (S.B. 1103)
750.517 (S.B. 1104)

FISCAL IMPACT

Senate Bills 1095, 1096, 1097, 1099, 1100, 1101, 1102, 1103, and 1104 would have an indeterminate fiscal impact on State and local government.

According to the 1997 Annual Statistical report, there were no convictions for or felons serving for these crimes dealing with railroad detention or robbery, railroad passenger ticket embezzlement, forgery, or larceny, or issuing fraudulent railroad securities. By repealing these sections, the State would neither incur costs of incarceration nor receive fine revenues, to the extent that these are felony offenses that are punishable by terms up to life in prison. However, given that no one was convicted of these crimes or incarcerated for these crimes, the fiscal impact on State government would be neutral.

The sentencing guidelines would be repealed for two of these crimes: embezzlement of passenger tickets, a G grid crime with a minimum sentence ranging from 0-3 months to 7-23, and issuing fraudulent railroad securities, an H grid crime with a minimum sentence ranging from 0-1 month to 5-17 months. If one offender a year were convicted of each of these crimes and received the highest minimum sentence, by repealing the section, given that the average annual cost of incarceration is \$22,000, the State would save \$73,300 annually. Local units of government would save the costs of incarceration or intermediate sanction for any offender whose lower minimum sentence guideline range was less than 13 months.

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.