

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 1162 (as reported without amendment)
Sponsor: Senator William Van Regenmorter
Committee: Judiciary

CONTENT

The bill would amend the Code of Criminal Procedure to include in the sentencing guidelines revised penalties proposed by Senate Bill 894 (S-2) for use of the Internet or a computer to commit certain crimes. The bill would delete the current sentencing guidelines provisions for those crimes.

The bill would establish the class and statutory maximum for using a computer to commit those crimes, according to the maximum term of imprisonment applicable to the crime committed, as shown in Table 1.

Table 1

Maximum Term of Crime (Years)	Felony Class	Statutory Maximum
At least 1 but less than 2	G	2
At least 2 but less than 4	F	4
At least 4 but less than 10	D	7
At least 10 but less than 20	C	10
At least 20 or life	C	20

These offenses would have a “variable” offense category, which would be the same as for the underlying offense. A sentencing court would have to determine the offense category, offense variable level, and prior record variable based on the underlying offense.

The bill would take effect 90 days after its enactment and is tie-barred to Senate Bill 894.

MCL 777.16g

Legislative Analyst: P. Affholter

FISCAL IMPACT

Senate Bills 894 (S-2) and 1162 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 unlawfully using a computer to commit, attempting to commit, or soliciting another to commit a crime such as child sexual abuse, kidnapping, stalking, or criminal sexual conduct or a crime in which the victim is a minor. The felonies would be incorporated into the sentencing guidelines and would range from Class B to Class G crimes based on the maximum penalty for the underlying crime. For example, an offender accused of a crime that has a maximum penalty of 15 years to life would be subject to the Class B offense. The minimum sentence ranges are shown in Table 2.

Table 2

Crime Class	Minimum Sentence Range (Months)	
	From	To
B	0-18	117-160

C	0-11	62-114
D	0-6	43-76
E	0-3	24-38
F	0-3	17-30
G	0-3	7-23

Assuming that five offenders a year are convicted of using a computer to commit one of the specified crimes for which the maximum penalty is 15 years or life and that they receive the highest minimum sentence, the cost of incarceration would be \$1,045,000 and this could be in addition to other incarceration costs for the underlying crimes. Assuming that five offenders a year are convicted of using a computer to commit a specified crime for which the maximum penalty is at least one year but not greater than two years, and that these offenders receive the maximum penalty, the cost would be \$210,800, which could be in addition to other incarceration costs for the underlying crime. A local sanction is appropriate for offenders who score sentencing guideline recommendations where the minimum sentence is less than 12 months. Local units of government would incur the cost of a local sanction and the costs vary among the counties.

Date Completed: 3-13-00

Fiscal Analyst: K. Firestone