

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 4355 (Substitute H-2 as reported without amendment)

House Bill 4356 (Substitute H-3 as reported without amendment)

Sponsor: Representative Jim Howell (House Bill 4355)

Representative Jennifer Faunce (House Bill 4356)

House Committee: Criminal Law and Corrections

Senate Committee: Judiciary

CONTENT

House Bills 4355 (H-2) and 4356 (H-3) would amend the Code of Criminal Procedure and the Michigan Penal Code, respectively, to revise the elements of first- and second-degree home invasion, create the felony of third-degree home invasion, and include third-degree home invasion in the Code of Criminal Procedure's sentencing guidelines provisions. The bills would take effect on October 1, 1999. House Bill 4355 (H-2) is tie-barred to House Bill 4356.

House Bill 4355 (H-2) would add the offense of third-degree home invasion to the sentencing guidelines provisions. Third-degree home invasion would be categorized as a Class E felony against a person, with a statutory maximum penalty of five years' imprisonment.

Currently, first- and second-degree home invasion occur if a person breaks and enters a dwelling, or enters a dwelling without permission, with intent to commit a felony or a larceny. Under House Bill 4356 (H-3), first- and second-degree home invasion would include intent to commit an assault and actually committing a felony, larceny, or assault. Breaking and entering a dwelling, or entering a dwelling without permission, would be third-degree home invasion if the offender intended to commit a misdemeanor in the dwelling, if a misdemeanor were committed, or if the offender violated any of the following that was ordered to protect a named person or persons: a term or condition of probation, parole, or a personal protection order, or a condition of bond, bail, or pretrial release. Third-degree home invasion would be a felony, punishable by up to five years' imprisonment, a maximum fine of \$2,000, or both.

MCL 777.16f (H.B. 4355)
750.110a (H.B. 4356)

Legislative Analyst: P. Affholter

FISCAL IMPACT

House Bills 4355 (H-2) and 4356 (H-3) would have an indeterminate fiscal impact on State and local government, by potentially increasing costs for incarceration or receipt of fine revenue.

The new crime of third-degree home invasion would use the "E" sentencing guideline grid in order to determine the minimum sentence range. Minimum sentences on the "E" grid vary from 0-3 months to 24-38 months.

There are no available data that indicate how many people could be convicted of third-degree home invasion. However, assuming that 10 offenders a year would be convicted of this crime and serve a minimum sentence in a State facility of 18 months, the average annual cost of incarceration would be \$330,000 in the long run.

Date Completed: 5-20-99

Fiscal Analyst: K. Firestone