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BILL ANALYSIS

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House Bill 4779 (Substitute H-2 as passed by the House)  
Sponsor: Representative Paul DeWeese  
House Committee: Criminal Law and Corrections  
Senate Committee: Judiciary

Date Completed: 11-29-00

### **CONTENT**

The bill would amend the Code of Criminal Procedure to add all of the following to the sentencing guidelines:

- Corrupting or attempting to corrupt a road test examining officer.
- Deviating from criteria for a road test by an examining officer.
- Forging, counterfeiting, or altering a road test certification.
- Corrupting or attempting to corrupt a person or agency conducting a motorcycle driving test.
- Deviating from criteria for a motorcycle road test by an examining officer.
- Forging, counterfeiting, or altering a motorcycle road test certification.

Each of those offenses would be categorized as a Class F felony against the public order, with a statutory maximum sentence of five years' imprisonment.

The bill also would delete from the sentencing guidelines disposing of a vehicle to avoid forfeiture (MCL 257.625n), which is categorized in the guidelines as a Class G felony against the public order with a statutory maximum sentence of four years' imprisonment. (Public Act 349 of 1998 amended the Michigan Vehicle Code to reduce that violation to a misdemeanor with a statutory maximum sentence of one year's imprisonment.)

The bill would take effect on January 1, 2001.

(House Bill 4478 (H-2), as passed by the House, would add the driving test corruption, deviation, and forging, counterfeiting, or altering violations to the Michigan Vehicle Code.)

MCL 777.12

Legislative Analyst: P. Affholter

### **FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on State and local government.

The sentencing guideline minimum ranges from 0-3 months to 17-30 months for a Class F felony. However, there are no data available to indicate how many offenders could be convicted of the crimes related to falsifying a road test examination or certification. Local governments would incur the costs of incarceration for offenders sentenced to terms of incarceration less than 18 months and the State would incur costs for offenders with terms longer than 18 months and/or for probation supervision.

Also, there are no data available to indicate how many people have been convicted of disposing of a vehicle to avoid forfeiture or the type or term of sentence given. Since this offense already has been reduced to a misdemeanor, removing this crime from the sentencing guidelines should not shift the fiscal impact for this offense from State to local resources.

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.