



**House
Legislative
Analysis
Section**

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RAISE FELONY THRESHOLD

**Senate Bill 402 (Substitute H-1))
Sponsor: Sen. William Van Regenmorter**

**Senate Bill 403 as passed by the Senate
Sponsor: Sen. Bev Hammerstrom**

**Senate Bill 404 (Substitute H-1)
Sponsor: Sen. Valde Garcia**

**Senate Bill 405 as passed by the Senate
Sponsor: Sen. Christopher D. Dingell**

**Senate Bill 406 (Substitute H-1)
Sponsor: Sen. Bill Schuette**

**Senate Bill 407 (Substitute H-2)
Sponsor: Sen. Thaddeus G. McCotter**

**Senate Bill 408 (Substitute H-1)
Sponsor: Sen. Bill Bullard, Jr.**

**Senate Bill 409 (Substitute H-1)
Sponsor: Sen. Harry Gast**

**Senate Bill 410 (Substitute H-2)
Sponsor: Sen. Martha G. Scott**

**Senate Bill 411 (Substitute H-3)
Sponsor: Sen. Gary Peters**

Addendum to SFA Analysis (5-31-01)

**Senate Committee: Judiciary
House Committee: Criminal Justice**

Senate Bills 402-411 (5-31-01)

ADDENDUM TO SENATE FISCAL AGENCY ANALYSIS OF SB 402-411 DATED 5-24-01:

HOUSE COMMITTEE ACTION:

The House committee adopted substitutes for all of the bills except for Senate Bills 403 and 405. Specifically, the substitutes would make the following changes to the Senate-passed versions of the bills:

Senate Bills 407, 409, and 411 all amend the Code of Criminal Procedure, MCL 777.15, MCL 777.11, and MCL 777.13, respectively. The substitute for Senate Bill 407 would incorporate changes made by Public Act 10 of 2001, which deleted from the sentencing guidelines the felony of marrying when afflicted by a mental or venereal disease. The substitute for Senate Bill 409 would incorporate changes made by Senate Bill 403. The substitute for Senate Bill 411 would incorporate changes made by Public Act 13 of 2001, which amended the statutory maximum sentence for a third offense of operating an ORV under the influence.

The committee-passed substitutes for Senate Bills 402, 404, 406, 408 and 410 would add a provision to each bill specifying that if an individual's sentence for any of these crimes were enhanced under the bills' provisions as the result of the offender having had one or more prior convictions, those prior convictions could not also be used to further enhance the offender's sentence under the habitual offender provisions of the Code of Criminal Procedure. (The provision parallels changes to various larceny and retail fraud statutes amended by Public Acts 311-313 of 1998.)

Further, the committee-passed version of Senate Bill 410 would provide for the same 4-tier penalty structure as the rest of the bill package. The substitute would also provide for maximum fines up to three times the value of the property, as do the other bills in the package.

POSITIONS:

The Department of State Police supports the bills. (5-30-01)

Analyst: S. Stutzky

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.