



**House
Legislative
Analysis
Section**

House Office Building, 9 South
Lansing, Michigan 48909
Phone: 517/373-6466

**SENT. GUIDELINES FOR INJURING A
DOG GUIDE**

**House Bill 6208 with committee
amendment
First Analysis (6-18-02)**

**Sponsor: Rep. Jerry Vander Roest
Committee: Criminal Justice**

THE APPARENT PROBLEM:

Whenever a felony offense prescribes a maximum term of imprisonment as a penalty, that statutory maximum is also placed in the sentencing guidelines section of the Code of Criminal Procedure. House Bill 5154, which was recently passed by the House, would, among other things, increase penalties for interfering with or injuring a dog guide or service animal and would also create two felony categories. Under that bill, intentionally injuring, disabling, or causing the death of a dog guide or service animal would be a felony offense punishable by up to five years imprisonment, a fine of not more than \$10,000, or both. Obtaining or exerting unauthorized control over a dog guide or service animal with the intent to deprive the animal's user of his or her dog guide or service animal would be a felony punishable by not more than 10 years' imprisonment, a fine of not more than \$20,000, or both.

Legislation has been proposed to place the maximum terms of imprisonment for the felony offenses under House Bill 5154 into the corresponding sentencing guidelines section of the Code of Criminal Procedure.

THE CONTENT OF THE BILL:

House Bill 6208 would place the corresponding maximum sentences for a violation of House Bill 5154 within the Code of Criminal Procedure. The bill would specify that injuring or killing a dog guide or service animal would be a Class E felony against a person with a maximum term of imprisonment of five years, and that the unauthorized control over a dog guide or service animal would be a Class D felony against a person with a 10-year maximum term of imprisonment. House Bill 6208 is tie-barred to House Bill 5154. The bill would take effect November 1, 2002. (Note: House Bill 5154 has passed the House and is pending Senate committee action.)

MCL 777.16b

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the bill could, in conjunction with House Bill 5154, increase state or local correctional costs, depending on how it affected the numbers of convictions, sentence types and lengths, and probation caseloads. The bill also could increase collections of penal fine revenues, which are constitutionally dedicated to local libraries. (6-17-02)

ARGUMENTS:

For:

Each time a bill prescribes a maximum term of imprisonment for a felony offense, there is a companion bill that places that statutory maximum in the sentencing guidelines section of the Code of Criminal Procedure. Usually, the two bills are acted upon as a package. In this case, House Bill 5154, as introduced and reported by the Criminal Justice Committee, would have increased the possible jail time and fine for willfully and maliciously assaulting, harassing, or injuring (or attempting to do the same) a guide dog, hearing dog, or service dog (or impeding or interfering with the performance of the animal's duties) from a maximum term of imprisonment of 90 days to a maximum of 180 days and would have raised the maximum fine from \$500 to \$2,000. The offense, though, would have remained a misdemeanor. However, the bill was amended on the House floor to create two categories of felony offenses, thus necessitating a corresponding amendment to the sentencing guidelines.

POSITIONS:

There are no positions on the bill.

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.

House Bill 6208 (6-18-02)