

Senate Fiscal Agency
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Senate Bill 675 (Substitute S-1 as reported by the Committee of the Whole)
Sponsor: Senator William Van Regenmorter
Committee: Judiciary

CONTENT

The bill would amend the Code of Criminal Procedure to change the sentencing guidelines category for felonious driving. Currently, felonious driving is a Class G felony against public safety, with a statutory maximum sentence of two years' imprisonment pursuant to Public Act 214 of 1931. Under the bill, felonious driving would be a Class G felony against a person, with a statutory maximum sentence of two years' imprisonment pursuant to the Michigan Vehicle Code, as proposed by House Bill 4813.

The bill would take effect on February 1, 2002, and is tie-barred to House Bill 4813, which would repeal Public Act 214 of 1931 and re-enact and revise that Act's felonious driving provisions within the Michigan Vehicle Code.

MCL 777.12 & 777.17

Legislative Analyst: P. Affholter

FISCAL IMPACT

Corrections. Senate Bill 675 (S-1) and House Bills 4813 (S-2), 4924 (S-1), and 4925 (S-1) would have an indeterminate fiscal impact on State and local government. According to the annual statistical report from the Department of Corrections, in 1999, there were 29 convictions for felonious driving. There are no data to indicate how many more offenders would be convicted of felonious driving if the prohibition were expanded to include reckless driving in a place open to the general public or generally accessible to motor vehicles (pursuant to House Bill 4813).

Under the bills, felonious driving would continue to be a Class G felony, which has a minimum sentence range of 0-3 months to 7-23 months. In most cases, offenders convicted of the Class G felony are subject to probation or incarceration in a local facility, because felonious driving has a maximum penalty of two years. The State incurs the cost of felony probation, estimated at \$4.23 per day, while local units incur the cost of incarceration, which varies between \$27 and \$62 per day. In the absence of data, if one assumed that five more offenders a year would be convicted of felonious driving and receive the longest minimum sentence, given that the annual average cost of incarceration is \$22,000, the additional annual cost to the State would be \$1.0 million.

Senate Bill 675 (S-1) could result in increased costs to the extent that offenders could receive a longer sentence within the given range because felonious driving would be an offense against a person rather than an offense against public safety.

State. These bills would likely increase the number of convictions for felonious driving, and thus the number of driver license suspensions. The reinstatement fee for a driver license is \$125 and benefits the Department of State and various drunk driving-related funds.

Date Completed: 10-10-01

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