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SFA**BILL ANALYSIS**

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Senate Bill 723 (Substitute S-2 as reported)
Sponsor: Senator Shirley Johnson
Committee: Families, Mental Health and Human Services

CONTENT

The bill would amend the Michigan Penal Code to include dating relationships in the circumstances that can trigger penalties for domestic assault; allow a law of another state to be considered for the purpose of enhanced penalties for repeat domestic assault offenses; and increase the maximum penalty for simple (nondomestic) assault from 90 to 93 days.

The maximum penalty currently is 93 days if simple assault is committed against a spouse or former spouse, an individual with whom the offender has had a child in common, or a person who is or was a resident of the offender's household (domestic assault). Domestic assault is punishable by up to one year and/or \$1,000 if the offender previously has been convicted in Michigan of domestic assault or any of the following in a domestic situation: aggravated assault; assault with a dangerous weapon; or assault with intent to commit murder, do great bodily harm, or maim. If an offender has two or more previous convictions, domestic assault is a felony punishable by up to two years' imprisonment and/or a maximum fine of \$2,500. Aggravated assault, or aggravated domestic assault, is a misdemeanor punishable by up to one year and/or \$1,000. Aggravated domestic assault is a felony punishable by up to two years and/or \$2,500 if the offender previously has been convicted in Michigan of domestic assault, aggravated domestic assault, or any of the following in a domestic situation: assault with a dangerous weapon or with intent to commit murder, do great bodily harm, or maim.

The bill would add to each of those domestic assault and aggravated domestic assault penalty provisions a violation against an individual with whom the offender currently or previously had a dating relationship, and would apply the enhanced penalties if the offender had a prior conviction under a substantially corresponding law of another state or political subdivision.

MCL 750.81 & 750.81a

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. In 1999, 282 people were convicted of some type of attempt or act of domestic violence. There are no data available to indicate how many more offenders a year would be convicted if domestic violence included victims with whom the offender has had a dating relationship. First-time offenders would be subject to probation or incarceration in a local facility. In most cases, offenders convicted of a second or third offense also would be subject to probation or incarceration in a local facility. Local units would incur the cost of probation as well as the cost of incarceration, which may vary between \$27 and \$62 per day. Third-time offenders, however, would be guilty of a Class G felony, which has a minimum prison sentence range of 0-3 months to 7-23 months. The State would incur the cost of felony probation, estimated at \$4.23 per day, and the cost of incarceration in a State facility, at an average annual cost of \$22,000. If one assumes that 10 additional offenders would be convicted, sentenced to prison, and receive the longest minimum sentence, the cost to the State would be \$420,000.

Date Completed: 11-6-01

Fiscal Analyst: B. Wicksall

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Analysis available @ <http://www.michiganlegislature.org>

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