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Senate Bill 946 (Substitute S-1 as reported)  
Sponsor: Senator William Van Regenmorter  
Committee: Judiciary

### **CONTENT**

The bill would amend the sentencing guidelines provisions of the Code of Criminal Procedure to create offense variable 20 (terrorism); require it to be scored for all crime categories; and revise the application of several other offense variables. The bill is tie-barred to Senate Bill 930, which would create the "Michigan Anti-Terrorism Act".

To score offense variable 20, the court would have to determine which of the following applied and assign the number of points attributable to the one with the highest number:

- The offender committed an act of terrorism by using or threatening to use a harmful biological substance, harmful biological device, harmful chemical substance, harmful chemical device, harmful radioactive material, harmful radioactive device, incendiary device, or explosive device (100 points).
- The offender committed an act of terrorism without using or threatening to use a harmful biological substance, harmful biological device, harmful chemical substance, harmful chemical device, harmful radioactive material, harmful radioactive device, incendiary device, or explosive device (50 points).
- The offender supported an act of terrorism, a terrorist, or a terrorist organization (25 points).
- The offender did not commit an act of terrorism or support an act or terrorism, a terrorist, or a terrorist organization (0 points).

The bill would add to the scoring of offense variable 1 (aggravated use of a weapon) whether the victim was subjected or exposed to a harmful biological substance or device, harmful chemical substance or device, harmful radioactive material or device, incendiary device, or explosive device (20 points). The bill also would revise offense variables 7 (aggravated physical abuse) and 19 (threat to the security of a penal institution or court or interference with the administration of justice).

MCL 777.22 et al.

Legislative Analyst: P. Affholter

### **FISCAL IMPACT**

The bill would have an indeterminate impact on State government. To the extent that it would add possible offense variable points, which help to determine the minimum sentence range that an offender may receive, the bill could potentially increase average sentence lengths. The State would incur the additional cost of incarceration at an average annual cost of \$25,000.

Date Completed: 2-4-02

Fiscal Analyst: B. Wicksall