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Senate Bill 949 (Substitute S-1 as reported)
Sponsor: Senator Loren Bennett
Committee: Judiciary

CONTENT

The bill would amend the Code of Criminal Procedure to provide that, as part of a criminal sentence for a violation of the proposed "Michigan Anti-Terrorism Act" (which Senate Bill 930 would create) and certain other offenses, a court would have to order the convicted person to reimburse any "government entity" for expenses incurred in relation to the incident. ("Government entity" would mean the State, a local unit of government, or the U.S. government.)

Currently, as part of the sentence for certain offenses, in addition to any other penalty authorized by law, a court may order the convicted person to reimburse the State or a local unit of government for expenses incurred in relation to that incident, including expenses for an emergency response and for prosecuting the person. Offenses covered by this provision include, among others, a violation of Chapter 33 of the Michigan Penal Code (Explosives, Bombs, and Harmful Devices); causing a death due to explosives; selling explosives to minors; and causing a death due to explosives placed with intent to destroy a building or object. The bill would remove those violations from that provision.

Under the bill, as part of the sentence for a violation or attempted violation of any of the following, the court would have to order the convicted person to reimburse any government entity for expenses incurred in relation to that incident, including expenses for an emergency response and for prosecution, in addition to any other penalty authorized by law:

- The proposed Michigan Anti-Terrorism Act.
- Chapter 33 of the Penal Code.
- Causing a death due to explosives (MCL 750.327).
- Selling explosives to minors (MCL 750.327a).
- Causing a death due to explosives placed with intent to destroy a building or object (MCL 750.328).
- Mingling poison or a harmful substance with food, drink, nonprescription medicine, or pharmaceutical product; placing poison or a harmful substance in a spring, well, reservoir, or public water supply; or maliciously informing another person that a poison or harmful substance had been or would be so placed, knowing that the information was false and was likely to be disseminated to the public (MCL 750.436).

MCL 769.1f

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have an indeterminate impact on State and local units of government, depending on the number of convictions, government expenses incurred, and financial resources of defendants. According to the Department of Corrections 1999 Statistical Report, there were 53 convictions for violations of Chapter 33 of the Michigan Penal Code, zero convictions under Section 327, 327a, or 328 and two convictions under Section 436.

Date Completed: 2-4-02

Fiscal Analyst: B. Bowerman