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SFA

BILL ANALYSIS

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Senate Bill 992 (as introduced 1-9-02)
Sponsor: Senator Philip E. Hoffman
Committee: Judiciary

Date Completed: 3-13-02

CONTENT

The bill would amend the Code of Criminal Procedure to include in the sentencing guidelines engaging in business as a private detective or private investigator, without a license. A violation would be a Class F felony against the public trust, with a statutory maximum sentence of four years' imprisonment.

The bill is tie-barred to Senate Bill 929, which would amend the Private Detective License Act to elevate the crime of engaging in business as a private detective or private investigator from a misdemeanor punishable by up to 90 days' imprisonment and/or a maximum fine of \$1,000 to a felony punishable by up to four years' imprisonment and/or a maximum fine of \$5,000.

MCL 777.13

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

Senate Bill 992 would have an indeterminate impact on State and local governments.

Since engaging in business as a private detective or investigator without a license is a misdemeanor under current law, there are no statewide data to indicate how many offenders a year are convicted of the crime. Offenders receive up to 90 days' incarceration or probation, and local units incur the costs. Changing this offense to a Class F felony would make the minimum sentencing range 0-3 months to 17-30 months. If an offender's longest allowable minimum sentence did not exceed 18 months, he or she would be sentenced to probation or incarceration in a local facility. Local units still would be responsible for the cost of incarceration, which varies by county from \$27 to \$65 per day, while the State would become responsible for the costs of \$4.38 per day for felony probation. If an offender received a maximum minimum sentence of more than 18 months, he or she would be eligible for a prison sentence in a State facility. The State would incur the cost of felony probation as well as that of incarceration, at an average annual cost of \$25,000.

Fiscal Analyst: Bethany Wicksall

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.