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Senate Bill 996 (Substitute S-1 as reported)
Sponsor: Senator Dianne Byrum
Committee: Judiciary

CONTENT

The bill would amend the Code of Criminal Procedure to delete the current sentencing guidelines designations for poisoning food, drink, medicine, or wells and, instead, would include revised poisoning violations in the sentencing guidelines, as described in Table 1. The bill is tie-barred to House Bill 5507, which would amend the Michigan Penal Code to revise the poisoning offenses.

Table 1

Crime	Class	Category	Maximum Sentence
Poisoning Food, Drink, Medicine, or Well	C	Public Safety	15 years
Poisoning...Causing Prop. Damage	B	Property	20 years
Poisoning...Causing Injury	A	Person	25 years
Poisoning...Causing Serious Impairment	A	Person	Life
False Report of Poisoning Food, Drink, Medicine, or Well	F	Public Order	4 years
False Report of Poisoning...w/ Prior Conviction	D	Public Safety	10 years

MCL 777.16v

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

Senate Bill 996 (S-1) would have an indeterminate fiscal impact on State and local government. According to the Department of Corrections Statistical Report, two offenders were convicted of poisoning a food, drink, or well in 1999. By adding poisoning medicine to the crimes, the bill could potentially increase the number of offenders convicted of these crimes. Together with House Bill 5507, the Senate bill also could add to criminal justice costs by distinguishing between injury and serious impairment, adding new crimes for causing property damage and for falsely reporting with a previous conviction, and changing the crime classes for existing crimes to those with a longer maximum term in the minimum sentencing range. Table 2 shows both the current and proposed sentencing ranges for each of the crimes. Local jurisdictions would incur costs for housing offenders sentenced for less than a year at a cost that varies by county from \$27 to \$65 a day. The State would incur the cost of probation at \$4.38 per day as well as the cost of incarceration in a State facility, at an average annual cost of \$25,000.

Table 2

Sentencing Guideline Minimum (in Months)		
Offenses	Current Ranges	Proposed Ranges
Poisoning food, drink, medicine, or well	(0-3) to (24-38)	(0-11) to (62-114)
Poisoning food, drink, medicine, or well causing property damage	n/a	(0-18) to (117-160)
Poisoning food, drink, medicine, or well causing injury	(21-35) to (270-450 or life)	(21-35) to (270-300)
Poisoning food, drink, medicine, or well causing serious impairment	n/a	(21-35) to (270-450 or life)
False report of poisoning food, drink, medicine, or well	(0-1) to (5-17)	(0-3) to (17-30)
False report of poisoning food, drink, medicine, or well with prior conviction	n/a	(0-6) to (43-76)

Date Completed: 2-4-02

Fiscal Analyst: Bethany Wicksall

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