

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 5279 (Substitute S-3 as reported by the Committee of the Whole)

Sponsor: Representative Gary Woronchak

House Committee: Criminal Justice

Senate Committee: Judiciary

CONTENT

The bill would amend the Code of Criminal Procedure to increase probation supervision fees; revise a provision pertaining to a peace officer's jurisdiction; and add various offenses to a provision prohibiting release on bail. The bill would take effect on October 1, 2002.

Probation supervision fees are based on projected monthly income. Currently, the fee is \$20 for an income level of \$500-\$749.99 and \$30 for an income level of \$750 or more. Under the bill, the fee would be \$25 for an income of \$500-749.99; \$40 for an income level of \$750-\$999.99; and 5% of projected monthly income, but not more than \$135, for an income level of \$1,000 or more.

The Code allows a county, city, village, or township peace officer to exercise authority and powers outside of the officer's jurisdiction when enforcing laws in conjunction with the Michigan State Police or in conjunction with a peace officer of another municipality. Under the bill, a county, city, village, township, or university peace officer could exercise authority and powers outside of his or her jurisdiction if the officer were enforcing laws in conjunction with those other law enforcement agencies or if the officer witnessed a violation in his or her own jurisdiction and immediately pursued the offender outside of that jurisdiction.

The Code provides that a defendant convicted of an "assaultive crime" may not be released on bail pending sentencing or appeal, unless the court finds that the person is not likely to pose a danger. The bill would include all of the following violations in the definition of "assaultive crime": assaulting a Family Independence Agency employee performing his or her duties or because of the individual's employment status, causing serious impairment of a body function; an assault against a pregnant woman that resulted in miscarriage, stillbirth, or death or great bodily harm to the embryo or fetus; attempted murder; a violation of Chapter 33 of the Michigan Penal Code (Explosives, Bombs, and Harmful Devices); stalking an individual less than 18 years old, if the offender is five or more years older than the victim; and a violation of Chapter 83-A of the Penal Code (the Michigan Anti-Terrorism Act).

MCL 764.9c et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would codify the probation portion of the temporary increases in probation and parole supervision fees made in Executive Order 2001-9. The Department of Corrections (DOC) FY 2002-03 budget is based on the estimation by the DOC and the State Budget Office that the new fee structure for both the probation and parole populations would increase collections by \$843,800 for a total revenue of \$7,745,100. There are no data currently available to indicate how much of this revenue is from probationers versus parolees. Probationers currently represent 79% of the combined probation and parole population. If one assumes that probationers would provide the same proportion of the increase in supervision fees, then the bill would create \$666,600 in additional revenue for the DOC.

Date Completed: 6-5-02

Fiscal Analyst: Bethany Wicksall