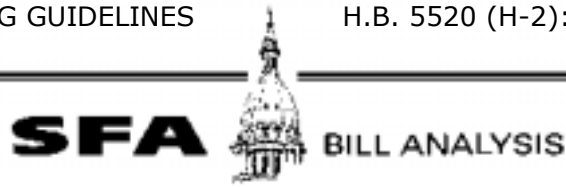


Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

House Bill 5520 (Substitute H-2 as passed by the House)  
Sponsor: Representative Douglas Bovin  
House Committee: Criminal Justice  
Senate Committee: Judiciary

Date Completed: 3-5-02

### **CONTENT**

The bill would amend the sentencing guidelines provisions of the Code of Criminal Procedure to require that offense variable 20 (terrorism), proposed by Senate Bill 946, be scored for all crime categories.

In addition, the Code requires that offense variable 5 (psychological injury to a member of a victim's family) and offense variable 6 (the offender's intent to kill or injure another individual) be scored for homicide, attempted homicide, or assault with intent to commit murder. The House bill would add to the crimes for which offense variables 5 and 6 must be scored conspiracy or solicitation to commit a homicide.

The bill would take effect on May 1, 2002, and is tie-barred to Senate Bill 930, which would create the "Michigan Anti-Terrorism Act", as Chapter 83-A of the Michigan Penal Code.

MCL 777.22

### **BACKGROUND**

The Code of Criminal Procedure identifies 19 offense variables and includes instructions for the sentencing judge to score them, depending on the category of the crime for which a defendant has been convicted and certain circumstances surrounding the violation. The crime categories are: crimes against a person; crimes against property; crimes involving a controlled substance; crimes against public order; crimes against public trust; and crimes against public safety.

Senate Bill 946 would amend the Code to create offense variable 20 (terrorism). Under that bill, as passed by the Senate, 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).

Legislative Analyst: Patrick Affholter

**FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on State and local 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, thereby increasing criminal justice costs.

Fiscal Analyst: Bethany Wicksall