

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 5601 (Substitute S-1 as reported)
Sponsor: Representative Mike Kowall
House Committee: Criminal Justice
Senate Committee: Judiciary

CONTENT

The bill would amend the Code of Criminal Procedure to remove from the sentencing guidelines the offense of obstructing a firefighter, which is a Class F felony against the public safety with a statutory maximum sentence of four years' imprisonment.

The bill is tie-barred to House Bill 5442. (House Bill 5442 (S-1) would delete from the Michigan Penal Code the felony of hindering, obstructing, endangering, or interfering with a firefighter in the performance of his or her duties. House Bill 5440 (S-1), however, would include firefighters in proposed Penal Code provisions that would prohibit and provide felony penalties for assaulting, battering, wounding, resisting, obstructing, opposing, or endangering certain people while in the performance of their duties. House Bill 5441 (S-1) would include those proposed felonies in the sentencing guidelines.)

The bill would take effect on July 15, 2002.

MCL 777.16n

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

House Bill 5601 (S-1) would have an indeterminate impact on State and local government.

According to the 1999 Department of Corrections Statistical Report, there were no offenders convicted of or incarcerated for a felony for obstructing a firefighter. To the extent that House Bill 5601 (S-1) and 5441 (S-1) would change the offense from a Class F felony to either a Class G, F, C, or B felony, depending on the extent of injury to the firefighter, the bills would affect the length of sentence an offender would receive and could potentially have an impact on criminal justice costs. Nevertheless, assuming past years are representative of the future, the bill would have no impact on State or local government.

Date Completed: 4-11-02

Fiscal Analyst: Bethany Wicksall