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SFA**BILL ANALYSIS**

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House Bill 5601 (Substitute H-2 as passed by the House)
Sponsor: Representative Mike Kowall
House Committee: Criminal Justice
Senate Committee: Judiciary

Date Completed: 4-10-02

CONTENT

The bill would amend the Code of Criminal Procedure to include felony violations proposed by House Bill 5600 in the sentencing guidelines and to make other revisions to the guidelines. (House Bill 5600 (H-3), as passed by the House, would establish felony penalties for obstructing, resisting, opposing, endangering, assaulting, beating, or wounding any emergency medical service personnel while he or she was performing his or her authorized duties.)

The bill would take effect on July 1, 2002, and is tie-barred to House Bill 5600.

The bill would add to the sentencing guidelines felony violations regarding resisting or obstructing a public officer or emergency medical services personnel, proposed by House Bill 5600, as shown in the table below.

Offense	Felony Class	Crime Category	Stat. Max. Sentence
Resisting/Obstructing Causing Bodily Injury	F	Person	4 Years
Resisting/Obstructing Causing Serious Injury	D	Person	10 Years
Resisting/Obstructing Causing Death	A	Person	20 Years

The bill also would do all of the following:

- Change the sentencing guidelines offense description for resisting or obstructing a peace officer, to resisting or obstructing a public officer or emergency medical services personnel.
- Change the sentencing guidelines offense description for retaliating for the reporting of a crime, to withholding evidence, preventing the reporting of a crime, or retaliating for the reporting of a crime.
- Include offering false evidence in the sentencing guidelines offense descriptions for tampering with evidence.

(The latter two charges would reflect amendments proposed by House Bill 5444 (H-2).)

MCL 777.16x

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government.

According to the 1999 Department of Corrections Statistical Report, 330 offenders were convicted of violating MCL 750.479, but there are no data that identify the extent of injury to an officer. Table 1 shows the sentencing guideline minimum ranges for the three proposed violations.

Table 1

Violation	Felony Class	Sentencing Guideline Minimum Range
Resisting/Obstructing Inflicting Bodily Injury	F	0-3 months to 17-30 months
Resisting/Obstructing Inflicting Serious Injury	D	0-6 months to 43-76 months
Resisting/Obstructing Causing Death	A	21-35 months to 270-450 months or life

In the absence of data, if one assumes that 10 offenders would be convicted of each of the three felonies with increased penalties, sentenced to prison, and receive the longest minimum sentences, it would cost the State an additional \$4.7 million, at an average annual cost of incarceration of \$25,000. The bill also could increase costs by including actions against emergency medical services personnel.

Fiscal Analyst: Bethany Wicksall