

SENTENCING GUIDELINES REVISIONS

House Bill 4916 with committee amendment First Analysis (10-2-03)

Sponsor: Rep. James Koetje
Committee: Criminal Justice

THE APPARENT PROBLEM:

Public Act 720 of 2002 made it a felony offense to buy, receive, or conceal a stolen motor vehicle. However, the legislative session ended before the companion bill, which would have amended the corresponding sentencing guidelines portion of the law, could complete the process.

In addition, a sentencing guideline pertaining to a violation of the penal code involving unlawful telecommunication access devices contains an incorrect citation to the Michigan Compiled Laws. Legislation has been offered to address these concerns.

THE CONTENT OF THE BILL:

House Bill 4916 would amend the Code of Criminal Procedure to specify that receiving or concealing a stolen motor vehicle would be a Class E felony involving property with a maximum term of imprisonment of five years.

The bill would also make a technical amendment to a citation referencing a section of the penal code pertaining to telecommunications violations. Specifically, the bill would clarify that a violation of MCL 750.540c(4) – a telecommunication violation – would be a Class F felony involving property with a four-year maximum term of imprisonment.

The bill is tie-barred to House Bill 4802, which would clarify a provision in the penal code added by Public Act 672 of 2002 pertaining to prohibited conduct with regard to telecommunications access.

MCL 777.16z

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the bill would have no direct fiscal impact on the state or local units of government. (9/30/03)

ARGUMENTS:

For:

Whenever a new felony crime category is added to the penal code or when the maximum term of imprisonment for a felony offense is changed, the corresponding sentencing guidelines portion of the Code of Criminal Procedure must be amended accordingly. Public Act 720 of 2002 criminalized buying, receiving, or concealing a stolen motor vehicle, but the 2001-2002 legislative session ended before the companion bill amending the sentencing guidelines could be ordered enrolled. The bill would merely add this new criminal offense to the appropriate place within the sentencing guidelines.

In addition, when existing acts are amended, the compiled laws designation for a subsection often changes. This necessitates amending any other statutes that reference that provision. Recent and proposed amendments to the telecommunications portion of the penal code necessitate such a correction.

POSITIONS:

There are no positions on the bill.

Analyst: S. Stutzky

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.