



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 658 (as reported with amendment)
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Sponsor: Senator Tony Stamas
Committee: Judiciary

CONTENT

Senate Bill 658 would amend Part 801 (Marine Safety) of the Natural Resources and Environmental Protection Act to establish felony penalties for leaving the scene of a boating accident involving serious injury or death. Under the bill, if the operator of a vessel knew or had reason to believe that he or she had been involved in an accident resulting in serious impairment of a body function or the death of a person, the operator immediately would have to stop the vessel at the scene of the accident and remain there until the requirements of Sections 80133 and 80134 of the Act were fulfilled. A violation of the bill would be a felony punishable by up to five years' imprisonment and/or a maximum fine of \$5,000. If the accident resulted in death, a violation would be punishable by up to 15 years' imprisonment and/or a maximum fine of \$10,000.

(Section 80133 requires the operator of a vessel involved in a collision, accident, or other casualty to render assistance, including transporting an injured person for medical treatment. Section 80134 requires the operator of a vessel involved in a collision, accident, or other casualty to stop the vessel and give identifying information to the operator or occupants of any other vessel involved or to the owner of any property damaged by the accident.)

Senate Bill 659 would amend the Code of Criminal Procedure to include the felony violations proposed by Senate Bill 658 in the sentencing guidelines. Failure to stop at the scene of a marine accident causing serious impairment would be a Class E felony against a person, with a statutory maximum penalty of five years' imprisonment. If the accident caused a death, the violation would be a Class C felony against a person with a statutory maximum of 15 years' imprisonment. The bill is tie-barred to Senate Bill 658.

The bills would take effect on January 31, 2004.

Proposed MCL 324.80134a (S.B. 658)
MCL 777.13g (S.B. 659)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many people would be convicted of either of the proposed offenses. An offender convicted of the Class E offense would receive a sentencing guidelines minimum sentence range of 0-3 months to 24-38 months. An offender convicted of the Class C offense would receive a sentencing guidelines minimum sentence range of 0-11 months to 62-114 months. Local units of government would incur the cost of incarceration in a local facility, which varies by county. The State would be responsible for the cost of felony probation at an average annual cost of \$1,750, as well as the cost of incarceration in a State prison at an average annual cost of \$27,000.

Date Completed: 10-10-03

Fiscal Analyst: Bethany Wicksall