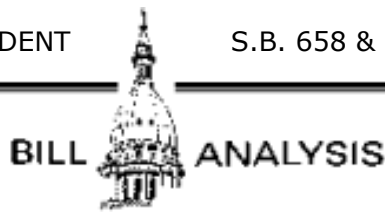




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Senate Bills 658 and 659 (as introduced 8-13-03)
Sponsor: Senator Tony Stamas
Committee: Judiciary

Date Completed: 10-7-03

CONTENT

Senate Bills 658 and 659 would amend, respectively, Part 801 (Marine Safety) of the Natural Resources and Environmental Protection Act (NREPA) and the Code of Criminal Procedure to establish felony penalties for leaving the scene of a boating accident when the operator of the 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 death; and to include those felonies in the sentencing guidelines. Senate Bill 659 is tie-barred to Senate Bill 658.

Senate Bill 658

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 NREPA were fulfilled.

A violation of the bill would be a felony punishable by up to five years' imprisonment, a maximum fine of \$5,000, or both. If the offender caused an accident that resulted in the death of another person, a violation would be punishable by up to 15 years' imprisonment, a maximum fine of \$10,000, or both.

(Section 80133 requires the operator of a vessel involved in a collision, accident, or other casualty, and the operator of any other vessel, to render assistance to a person affect by the collision, accident, or other casualty, including transporting the injured person for medical treatment, if it is apparent that treatment is necessary or when requested by the injured person. Section 80134 requires the operator of a vessel involved in a collision, accident, or other casualty to stop the vessel and give his or her name, address, and vessel identification, as well as the name and address of the vessel owner if the operator does not own the vessel, to the operator or occupants of any other vessel involved or to the owner of any property damaged by the accident.)

Senate Bill 659

Under the bill, failure to stop at the scene of a marine accident causing serious impairment would be listed in the sentencing guidelines as 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 10 years' imprisonment.

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

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

Senate Bill 658 and 659 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.

Fiscal Analyst: Bethany Wicksall