



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 842 (Substitute S-3 as reported by the Committee of the Whole)
Senate Bill 843 (Substitute S-1 as reported)
Sponsor: Senator Tony Stamas (S.B. 842)
Senator Jud Gilbert, II (S.B. 843)
Committee: Transportation

CONTENT

Senate Bill 842 (S-3) would amend the Michigan Vehicle Code to prohibit a person from doing any of the following:

- Possessing or using a signal preemption device, unless the person was the operator, passenger, or owner of an authorized emergency vehicle in the course of his or her emergency duties.
- Selling a signal preemption device, except to a person described above.
- Purchasing a signal preemption device for a use other than emergency duties.

"Signal preemption device" would mean a device capable of changing a traffic control signal to green out of sequence.

Possession of a device would be a misdemeanor punishable by imprisonment for up to 90 days and/or a maximum fine of \$5,000. Sale or purchase would be a felony punishable by up to two years' imprisonment and/or a maximum fine of \$10,000. Use of a device would be a felony punishable as described in Table 1, depending on whether the use resulted in a traffic accident, the serious impairment of a body function, or the death of another person.

Table 1

Offense	Maximum Years of Imprisonment	Maximum Fine
Use	2	\$10,000
Use causing traffic accident	5	\$15,000
Use causing serious impairment	10	\$20,000
Use causing death	15	\$25,000

The bill would not apply to any of the following:

- A law enforcement agency; a fire station or firefighter; an emergency medical service or ambulance; or an operator, passenger, or owner of an authorized emergency vehicle.
- A mail or package delivery service or its agent or employee in the course of delivering a device.
- An employee or agent of a device manufacturer or retailer in the course of his or her employment in providing, selling, manufacturing, or transporting a device to any of the individuals or agencies described above.

Senate Bill 843 (S-1) would amend the Code of Criminal Procedure to add using, selling, and purchasing a signal preemption device to the sentencing guidelines, as shown in Table 2.

Table 2

Offense	Felony Class	Statutory Maximum Imprisonment
Use	Class G against public order	2 years
Use causing traffic accident	Class E against public order	5 years
Use causing serious impairment	Class D against a person	10 years
Use causing death	Class B against a person	15 years
Sale or Purchase	Class G against public order	2 years

The bill is tie-barred to Senate Bill 842.

Proposed MCL 257.616a (S.B. 842)
777.12e (S.B. 843)

Legislative Analyst: Julie Koval

FISCAL IMPACT

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

There are no data to indicate how many offenders would be convicted of the proposed offenses involving a signal preemption device. Local units of government would incur the cost of misdemeanor probation and the cost of incarceration in a local facility, which vary by county. The State would incur the cost of felony probation at an average annual cost of \$1,750 and the cost of incarceration in a State facility at an average annual cost of \$27,000. Table 3 shows the sentencing guidelines minimum sentence ranges and the cost per offender if an offender were convicted, sentenced to prison, and given the longest allowable minimum sentence for each of the proposed felonies.

Table 3

Offense	Crime Class	Sentencing Guidelines Minimum Sentence Range (in months)	Cost per offender given longest allowable minimum prison sentence
Use of device	G	0-3 to 7-23	\$51,750*
Use causing an accident	E	0-3 to 24-38	\$85,500
Use causing serious impairment	D	0-6 to 43-76	\$171,000
Use causing death	B	0-18 to 117-160	\$360,000
Sale or purchase	G	0-3 to 7-23	\$51,750*

*Under sentencing guidelines, although it is possible for Class G offenders to receive a prison term, it is unlikely unless they have an extensive prior record. They are much more likely to receive an intermediate sanction or incarceration in a local facility.

Date Completed: 12-9-03

Fiscal Analyst: Bethany Wicksall

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.