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Senate Bills 842 and 843 (as introduced 11-13-03)

Sponsor: Senator Tony Stamas (S.B. 842)

Senator Jud Gilbert, II (S.B. 843)

Committee: Transportation

Date Completed: 12-2-03

CONTENT

Senate Bills 842 and 843 would amend the Michigan Vehicle Code and the Code of Criminal Procedure, respectively, to prohibit, and prescribe penalties for, the possession, use, sale, or purchase of a mobile infrared transmitter.

Senate Bill 842 would define "mobile infrared transmitter" as a device that emitted an infrared beam capable of changing a traffic control signal to green out of sequence.

Senate Bill 842

The bill would prohibit a person from possessing, using, selling, or purchasing a mobile infrared transmitter, unless the person was an operator, passenger, or owner of an authorized emergency vehicle in the course of his or her emergency duties.

A person who possessed a transmitter would be guilty of a misdemeanor punishable by imprisonment for up to 90 days or a maximum fine of \$5,000, or both. A person who used a transmitter would be guilty of 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 (as defined in the Code), 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

If a person sold or purchased a mobile infrared transmitter, he or she would be guilty of a felony punishable by up to two years' imprisonment, a maximum fine of \$10,000, or both.

Senate Bill 843

The bill would amend the Code of Criminal Procedure to add using, selling, and purchasing a mobile infrared transmitter 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 mobile infrared transmitter. 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 transmitter	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.

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.