

TAMPERING WITH MARINE SAFETY DEVICE

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Senate Bill 816

Sponsor: Sen. Wayne Kuipers

Senate Bill 817

Sponsor: Sen. Jud Gilbert, II

House Committee: Judiciary

Senate Committee: Judiciary

Complete to 5-16-06

A SUMMARY OF SENATE BILLS 816 AND 817 AS PASSED BY THE SENATE 3-16-06

The bills would make it a crime to tamper with or remove a publicly-owned marine safety device, create penalties, define "marine safety device," and include felony violations in the sentencing guidelines.

Senate Bill 816 would add a new section to the Michigan Penal Code (750.498b). Under the bill, a person would be prohibited, without lawful authority, from tampering with, taking, or removing a marine safety device owned or maintained by the state or a political subdivision of the state, knowing or having reason to know that the device is a marine safety device. "Marine safety device" would be defined as a device designed or intended to be used to rescue individuals in marine emergency situations, including life preservers, safety harnesses, ladders, lines, and throw rings. A violation would be a misdemeanor punishable by imprisonment for not more than 93 days and/or a fine of not more than \$1,000.

Rendering the device unavailable or unusable for rescue when needed would be a felony offense punishable by the following.

- If the violation were the proximate cause of serious impairment of a body function of another person, imprisonment for not more than five years and/or a fine of not less than \$1,000 or more than \$5,000.
- If the violation were the proximate cause of the death of another, imprisonment for not more than 15 years and/or a fine of not less than \$2,500 or more than \$10,000.

"Serious impairment of a body function" would mean that term as it is defined in Section 58c of the Michigan Vehicle Code (MCL 257.58c). Under Section 58c, that term includes one or more of the following:

- Loss of a limb or use of a limb.
- Loss of a foot, hand, finger, or thumb or loss of use of a foot, hand, finger, or thumb.

- Loss of an eye or ear or use of an eye or ear.
- Loss or substantial impairment of a bodily function.
- Serious visible disfigurement.
- A comatose state that lasts for more than three days.
- Measurable brain or mental impairment.
- A skull fracture or other serious bone fracture.
- Subdural hemorrhage or subdural hematoma.
- Loss of an organ.

Senate Bill 817 would amend the Code of Criminal Procedure (MCL 777.16x) to include the felony violations proposed by Senate Bill 816 in the sentencing guidelines. A violation causing serious impairment of a body function would be a Class E felony against a person with a statutory maximum sentence of five years' imprisonment. A violation causing death would be a Class C felony against a person with a statutory maximum sentence of 15 years' imprisonment.

FISCAL IMPACT:

The bills would create new crimes. The state could incur costs of felony probation supervision (at approximately \$2,000 per supervised offender annually) or prison incarceration (which averages \$30,000 per prisoner per year). If the felon was sentenced to jail, the county could incur increased costs; county jail costs vary by county. In the case of a misdemeanor, the bill could increase local costs of misdemeanor probation, jail incarceration, or both. To the extent that fine revenues increased, the bill could benefit local libraries, which are the constitutionally-designated recipients of those revenues.

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