

Legislative Analysis



DISCHARGING A WEAPON FROM A VEHICLE: INCREASE PENALTIES

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House Bills 6320 and 6321
Sponsor: Rep. Brenda Clack
Committee: Judiciary

Complete to 11-28-06

A SUMMARY OF HOUSE BILLS 6320 AND 6321 AS INTRODUCED 8-9-06

Currently, it is illegal to intentionally discharge a firearm from a motor vehicle, a snowmobile, or an off-road vehicle in such a manner as to endanger the public safety. A violation is a felony punishable by imprisonment for not more than four years or a fine of not more than \$2,000, or both.

House Bill 6320 would amend the Michigan Penal Code (MCL 750.234a) to increase the penalty for a violation to imprisonment for not more than 10 years and/or a fine of not more than \$10,000. In addition, the bill would make it a felony punishable by imprisonment for not more than 15 years and/or a fine of \$25,000 if the violation caused the serious impairment of a body function of another. The bill would also specify that Section 234a would not prohibit an individual from being charged with, convicted of, or punished for any other violation of law committed by that individual while violating this provision. "Serious impairment of a body function" would mean that term as defined in Section 58c of the Michigan Vehicle Code (MCL 257.58c). As with current law, this provision would not apply to a peace officer in the performance of his or her duties or to an individual discharging a firearm in self-defense or the defense of another person.

House Bill 6321 would amend the Code of Criminal Procedure (MCL 777.16m) to revise the sentencing guidelines. The bill would increase from 4 years to 10 the maximum term of imprisonment for discharging a firearm from a vehicle and change the category from a Class F felony to a Class D felony. The bill would also specify that discharging a firearm from a vehicle causing serious impairment of a body function would be a Class C felony against the public safety with a maximum term of imprisonment of 15 years. The bill is tie-barred to House Bill 6320.

FISCAL IMPACT:

The bills' fiscal impact would depend on how they affected felony convictions and sentences. Of the 27 sentences imposed in 2004 for discharging a firearm from a vehicle, 12 were prison sentences, 8 were probation sentences, 3 were jail sentences, and 4 were "other" (such as sentencing under the Holmes Youthful Trainee Act). In 2004, one individual was committed to the Department of Corrections whose largest minimum term was for discharging a firearm from a vehicle; the sentence was for 2.3 years. As of

December 2004, there were 4 prisoners whose largest minimum terms were for discharging a firearm, and their average minimum sentence was 2.4 years.

To the extent that the bills increased the numbers of offenders sent to prison or increased the lengths of prison sentences, the bills could increase state correctional costs, which average about \$30,000 per prisoner annually. State costs could be offset by the amount that otherwise would have been spent on probation supervision for the affected offender; costs of parole and probation supervision average about \$2,000 per offender per year. A reduction in the number of jail sentences could result in savings for affected counties; jail costs vary by county. Increased collections of penal fine revenues could benefit local libraries, which are the constitutionally-designated recipients of such revenues.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.