



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 816 (Substitute S-4 as reported by the Committee of the Whole)
Senate Bill 817 (Substitute S-1 as reported)
Sponsor: Senator Wayne Kuipers (S.B. 816)
 Senator Jud Gilbert, II (S.B. 817)
Committee: Judiciary

CONTENT

Senate Bill 816 (S-4) would amend the Michigan Penal Code to prescribe criminal penalties for a person who, without lawful authority, tampered with, took, or removed 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 was a marine safety device. Except as provided below, a violation would be a misdemeanor punishable by up to 93 days' imprisonment and/or a maximum fine of \$1,000.

A violation that rendered the device unavailable or unusable for rescue when needed would be a felony punishable by up to five years' imprisonment and/or a fine of not less than \$1,000 or more than \$5,000, if it were the proximate cause of serious impairment of a body function of another person. The violation would be punishable by up to 15 years' imprisonment and/or a fine of not less than \$2,500 or more than \$10,000, if it were the proximate cause of the death of another person.

"Marine safety device" would mean 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.

"Serious impairment of a body function" would mean that term as defined in Section 58c of the Michigan Vehicle Code, i.e., 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; or loss of an organ.

Senate Bill 817 (S-1) would amend the Code of Criminal Procedure to include the felony violations proposed by Senate Bill 816 (S-4) 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 penalty of 15 years' imprisonment.

The bill is tie-barred to Senate Bill 816.

Proposed MCL 750.498b (S.B. 816)
MCL 777.16x (S.B. 817)

Legislative Analyst: Patrick Affholter

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 offense. An offender convicted of the Class C offense under the bills would receive a sentencing guidelines minimum sentence range of 0-11 months to 62-114 months. An offender convicted of the Class E offense would receive a sentencing guidelines minimum sentence range of 0-3 months to 24-38 months. For both the proposed felonies and the proposed misdemeanor, local governments would incur the costs of incarceration in local facilities, which vary by county. The State would incur the cost of felony probation at an annual average cost of \$2,000, as well as the cost of incarceration in a State facility at an average annual cost of \$30,000. Additional penal fine revenue would benefit public libraries.

Date Completed: 3-15-06

Fiscal Analyst: Lindsay Hollander

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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.