

**BILL ANALYSIS**

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Senate Bills 816 and 817 (as introduced 10-19-05)

Sponsor: Senator Wayne Kuipers (S.B. 816)

Senator Jud Gilbert, II (S.B. 817)

Committee: Judiciary

Date Completed: 2-24-06

CONTENT

Senate Bills 816 and 817 would amend the Michigan Penal Code and the Code of Criminal Procedure, respectively, to prohibit and provide a criminal penalty for unlawfully using or tampering with a publicly owned "marine safety device", if the device were rendered unavailable or unusable for rescue and a person died as a result; and to include a violation in the sentencing guideline. Senate Bill 817 is tie-barred to Senate Bill 816.

"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.

Senate Bill 816

The bill specifies that a person who, without lawful authority, used or tampered with a marine safety device owned or maintained by the State or a political subdivision of the State, and thereby rendered the device unavailable or unusable for rescue, would be guilty of a felony punishable by up to 15 years' imprisonment, a maximum fine of \$10,000, or both, if any person died as a result of the device's being unavailable or unusable for rescue.

Senate Bill 817

Under the bill, using or tampering with a marine safety device without authority, causing death, would be a Class C felony against a person, with a statutory maximum sentence of 15 years' imprisonment.

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

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill 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. 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.

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.