



Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 5449 (Substitute H-2 as reported without amendment)

Sponsor: Representative Tim Moore

House Committee: Judiciary

Senate Committee: Judiciary

CONTENT

The bill would amend the Code of Criminal Procedure to include unlawful imprisonment, a felony proposed by House Bill 5451, in the sentencing guidelines, and add to the sentencing guidelines the crime of gross indecency involving a sexually delinquent person. The bill would include those violations in the sentencing guidelines, as shown below.

Violation	Felony Class & Category	Statutory Maximum
Unlawful imprisonment	C - Person	15 years
Gross indecency (between males, between females, or between males and females) involving a sexually delinquent person	A - Public Order	Life

(Gross indecency is punishable by up to five years' imprisonment, and is included in the sentencing guidelines as a Class G felony against the public order. If a person convicted of gross indecency is a "sexually delinquent person", the penalty is imprisonment for one day to life.)

The bill would take effect 90 days after its enactment and is tie-barred to House Bill 5451.

MCL 777.16q

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. Offenders who would be convicted of unlawful imprisonment are currently prosecuted under other statutes. An offender convicted of the Class C unlawful imprisonment offense would receive a sentencing guidelines minimum sentence range of 0-11 months to 62-114 months. An offender convicted of the Class A gross indecency offenses would receive a sentencing guidelines minimum sentence range of 21-35 months to 270 months-life. To the extent that the bills resulted in increased incarceration time for offenders convicted of the offenses, local governments would incur increased 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 increased costs of incarceration in a State facility at an average annual cost of \$30,000. Additional penal fine revenue would benefit public libraries.

Date Completed: 5-10-06

Fiscal Analyst: Lindsay Hollander

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Analysis available @ <http://www.michiganlegislature.org>

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.