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BILL ANALYSIS

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House Bills 6631 and 6632 (as reported without amendment)
Sponsor: Representative Geoff Hansen
House Committee: Judiciary
Senate Committee: Judiciary

CONTENT

House Bill 6631 would amend the Michigan Penal Code to increase the maximum penalty for assaulting an employee of a place of confinement or breaking the place of confinement, whether or not escape occurs.

The Penal Code prohibits a person lawfully imprisoned in a jail or other place of confinement, or lawfully imprisoned for any purpose at any other place, from using violence, threats of violence, or dangerous weapons to assault an employee of the place of confinement or other custodian, knowing the person to be an employee or custodian. This provision also prohibits a person from breaking the place of confinement and escaping, or breaking the place of confinement though an escape is not actually made.

A violation is a felony with no specified penalty. (Under Section 503 of the Penal Code, a felony for which no punishment is specially prescribed is punishable by up to four years' imprisonment and/or a maximum fine of \$5,000.) Under the bill, a violation would be punishable by up to five years' imprisonment and/or a maximum fine of \$2,500.

In addition, the Code provides that "place of confinement" includes a youth correctional facility operated by the Department of Corrections (DOC) or a private vendor under the Corrections Code. The bill specifies, instead, that "place of confinement" would include a correctional facility operated by the DOC, a local unit of government, or a private vendor under the Corrections Code.

House Bill 6632 would amend the Code of Criminal Procedure to increase the sentencing guidelines felony class for escape from jail through violence. Currently, the violation is designated in the sentencing guidelines as a Class F public safety felony, with a statutory maximum sentence of four years' imprisonment. Under the bill, a violation would be a Class E public safety felony, with a statutory maximum sentence of five years' imprisonment.

The bill is tie-barred to House Bill 6631.

MCL 750.197c (H.B. 6631)
777.16j (H.B. 6632)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government. In 2004, two offenders were convicted of the offense and two others were convicted of attempting the offense. Of these offenders, one received probation and three received a prison sentence. One received a minimum sentence of 1.5 years and two received a

minimum sentence of two years. Currently, an offender convicted of the Class F offense would receive a sentencing guidelines minimum sentence range of 0-3 months to 17-30 months. An offender convicted of the Class E offense under the bills would receive a sentencing guidelines minimum sentence range of 0-3 months to 24-38 months. To the extent that the bills resulted in increased incarceration time, 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 \$31,000. Additional penal fine revenue would benefit public libraries.

Date Completed: 12-6-06

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.