

Legislative Analysis



PROHIBIT TAMPERING WITH OR REMOVAL OF PUBLIC SAFETY DEVICE

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Senate Bills 357 and 358
Sponsor: Sen. Wayne Kuipers
House Committee: Judiciary
Senate Committee: Judiciary

Complete to 3-11-08

A SUMMARY OF SENATE BILLS 357 & 358 AS PASSED BY THE SENATE 5-22-07

Senate Bill 358 would add a new section to the Michigan Penal Code (MCL 750.498c) to specifically prohibit the unlawful tampering with, taking, or removal of a public safety device owned or maintained by the state or a local municipality. The bill's penalties would apply to a person who knew or had reason to know that the device was a public safety device.

"Public safety device" would mean either a device to render emergency medical assistance to an individual including a first aid kit, an oxygen supply kit, a cardiac defibrillator, or a stretcher, or a device to prevent or suppress a fire including a fire detector, fire alarm, or fire extinguisher.

A person who violated the bill's prohibition would be guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$1,000 or both.

If the unlawful act rendered the device unavailable or unusable for rescue when needed, the penalty would increase. If the violation were the proximate cause of serious impairment, as defined by the Michigan Vehicle Code, the person would be guilty of a felony punishable by imprisonment for not more than 5 years and/or a fine of not less than \$1,000 or more than \$5,000. A violation that was the proximate cause of the death of another person would be a felony punishable by imprisonment for not more than 15 years and/or a fine of not less than \$2,500 or more than \$10,000.

Senate Bill 357 would amend the corresponding section of the sentencing guidelines within the Code of Criminal Procedure (MCL 777.16x). The bill would specify that tampering with, taking, or removing a public safety device without authority causing serious impairment would be a Class E felony against a person with a 5-year maximum term of imprisonment and causing death would be a Class C felony against a person with a 15-year maximum term of imprisonment.

FISCAL IMPACT:

The bills' fiscal impact on state and local correctional systems would depend on how they affected the numbers of criminal convictions and severity of sentences. There are no data

to indicate how many people might be convicted under the bills. If the offender caused serious impairment of another person, the offense would be a Class E felony; exclusive of sentences for habitual offenders, sentencing guidelines recommended minimum sentence ranges for Class E offenses vary from 0-3 months (for which a nonprison sanction is required) to 24-38 months (for which a prison sentence is mandated). If the action caused the death of another, the offense would be a Class C offense for which the recommended minimum sentence would vary from 0-11 months (for which a nonprison sanction is required) to 62-114 months (for which a prison sentence is mandated).

To the extent that Senate Bill 358 increased the number of misdemeanor sentences, it could increase local costs of jail incarceration or misdemeanor probation supervision, both of which vary with jurisdiction. To the extent that the bill increased the number of felony sentences, the state could incur increased costs of prison incarceration or felony probation supervision. The average annual cost of prison incarceration is about \$32,000 per prisoner, and the average annual cost of parole and probation supervision is about \$2,000 per supervised offender.

Any increase in penal fine revenues could benefit local libraries, which are the constitutionally-designated recipients of those revenues.

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