

Legislative Analysis



UNLAWFUL ENTRY: SHIPPING CONTAINERS

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Senate Bill 565

Sponsor: Sen. Jud Gilbert, II

House Committee: Judiciary

Senate Committee: Judiciary

Complete to 2-6-08

A SUMMARY OF SENATE BILL 565 AS PASSED BY THE SENATE 9-19-07

The bill would amend the Michigan Penal Code (MCL 750.110 and 750.111) to extend to shipping containers the act's prohibition on breaking and entering, and entering without breaking. The bill would take effect 180 after enactment.

Currently, breaking and entering, with intent to commit a felony or a larceny, a tent, hotel, officer, store, shop, warehouse, barn, granary, factory, or other building, structure, boat, ship, or railroad car is a felony punishable by imprisonment for not more than 10 years. The bill would extend this provision to include a shipping container.

"Shipping container" would mean a standardized, reusable container for transporting cargo that is capable of integrating with a railcar flatbed or a flatbed semitrailer.

Similarly, it is a felony to enter, without breaking, any dwelling, house, tent, hotel, office, store, shop, warehouse, barn, granary, factory or other building, boat, ship, railroad car or structure used or kept for public or private use, or any private apartment therein, with intent to commit a felony or any larceny. The crime is punishable by imprisonment for not more than five years, or a fine of not more than \$2,500. The bill would also extend this provision to include entering a shipping container.

FISCAL IMPACT:

The bill's fiscal impact would depend on how it affected the number of felony convictions and the severity of felony sentences. There are no data to indicate the number of offenders who might be affected by the bill. If more offenders were sentenced to prison incarceration or felony probation supervision, the state could incur additional costs. The average appropriated cost per prisoner is about \$32,000 per year, a figure that includes various fixed administrative and operational costs. The average cost of parole and probation supervision is about \$2,000 per supervised offender per year. If more offenders were sentenced to jail, local correctional costs could increase; jail costs vary by county. Any increase in penal fine revenue could benefit local libraries, who are the constitutionally-designated recipients of such revenues.

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