

Legislative Analysis



WORK ZONE INJURIES AND DEATHS

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House Bill 4468

Sponsor: Rep. Pam Byrnes

House Bill 4469

Sponsor: Rep. Barb Byrum

Committee: Transportation

Complete to 10-24-07

A SUMMARY OF HOUSE BILLS 4468 AND 4469 AS INTRODUCED 3-15-07

Under the Michigan Vehicle Code, a person who commits a moving violation and as a result causes injury to a person working in a work zone is guilty of a misdemeanor, and a person who commits a moving violation and as a result causes death to a person working in a work zone is guilty of a felony. House Bill 4468 would amend the code (at MCL 257.601b) so that the misdemeanor and felony offenses would apply if a violation caused injury or death to "another person in the work zone" rather than to "a person working in the work zone."

House Bill 4469 would amend the Code of Criminal Procedure (MCL 777.12e) to make complementary amendments to felony sentencing guidelines provisions. It is tie-barred to House Bill 4468. Currently, the code refers to a "moving violation causing death to [a] construction worker." The bill would make the code refer instead to a "moving violation causing death to another person in a work zone." (The felony is a Class C felony against a person.)

The misdemeanor penalty is a fine of not more than \$1,000 and/or imprisonment for not more than one year. The felony penalty is a fine of not more than \$7,500 and/or imprisonment for not more than 15 years. The penalties only apply if the moving violation is one for which at least three points are assigned under Section 320a of the Vehicle Code.

FISCAL IMPACT:

The bill would establish a new misdemeanor and felony. The bill's fiscal impact on local and state correctional systems would depend on how it affected the numbers of convictions and severity of sentences. The average appropriated cost of incarceration in a state prison is about \$31,000 per prisoner, a figure that includes allocated portions of various fixed costs. The state's average cost of felony parole and probation supervision is about \$2,000 per supervised offender per year. Costs of any jail incarceration or misdemeanor probation supervision would be borne by local units of government, and vary by jurisdiction. Any increase in penal fine revenues could benefit local libraries, which are the constitutionally-designated recipients of those revenues.

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