

Legislative Analysis



PROHIBIT ASSAULTING PUBLIC TRANSIT EMPLOYEE OR PASSENGER

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House Bill 5560

Sponsor: Rep. Gabe Leland

House Bill 5561

Sponsor: Rep. Robert Dean

House Bill 5562

Sponsor: Rep. Lee Gonzales

Committee: Judiciary

Complete to 2-26-08

A SUMMARY OF HOUSE BILLS 5560-5562 AS INTRODUCED 12-12-07

The bills would specifically prohibit, and prescribe penalties for, assaulting public transit workers and passengers, and place the maximum term of imprisonment for a violation in the corresponding section of the sentencing guidelines.

House Bills 5560 and 5562 would each add a new section to the Michigan Penal Code (MCL 750.81e) to specify that an individual who assaulted and battered another individual causing any physical injury would be guilty of a felony under certain circumstances. The felony would be punishable by imprisonment for no more than four years, or a fine of no more than \$2,000, or both.

Under House Bill 5560, the punishment would apply when the injured individual was:

- an employee of a public transit authority who was operating a public transit vehicle, or performing duties associated with the operation of that vehicle; or
- a passenger on, or entering or exiting, a public transit vehicle.

Under House Bill 5562, the punishment would apply when the injured individual was:

- in a location properly designated as an area used by public transit vehicles to pick up or discharge passengers; or
- in a facility or area that was owned or operated by a public transit authority (including a parking lot for visitors) and used to provide transportation services to the general public.

Both bills would define “public transit authority” to mean an entity of a local unit of government of this state, or a combination of local units of government of this state, that is authorized by law to provide transportation services to the general public.

House Bill 5561 would amend the Code of Criminal Procedure (MCL 777.16d) to specify that assault or battery of a public transit employee or passenger on a public transit vehicle that caused injury would be a Class F felony against a person with a four-year maximum sentence of imprisonment. The bill is tie-barred to both House Bill 5560 and House Bill 5562.

FISCAL IMPACT:

The bills' fiscal impact on state and local correctional systems would depend on how they affected the numbers of felony convictions and severity of felony sentences. There are no data to indicate how many offenders might be convicted under the bills. Assaulting and injuring a public transit employee or passenger would be a Class F crime against a person. Exclusive of sentences for habitual offenders, sentencing guidelines ranges for the minimum sentence for a Class F offense vary from 0-3 months (for which a nonprison sanction is required) to 17-30 months (for which a prison term is mandated).

To the extent that the bills increased the numbers of offenders sentenced to prison or to felony probation supervision, or increased sentence lengths, the state could experience increased costs. Average appropriated costs of prison incarceration are roughly \$32,000 per prisoner per year, a figure that includes various fixed administrative and operational costs. Costs of parole and probation supervision average about \$2,000 per supervised offender per year. To the extent that more offenders were sentenced to jail, affected counties could experience increased costs; jail costs vary by county.

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

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.