

# Legislative Analysis

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## **PROHIBIT ASSAULTING PUBLIC TRANSIT EMPLOYEE OR PASSENGER**

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**House Bill 5560 without amendment**  
**Sponsor: Rep. Gabe Leland**

**House Bill 5561 without amendment**  
**Sponsor: Rep. Robert Dean**

**House Bill 5562 without amendment**  
**Sponsor: Rep. Lee Gonzales**  
**Committee: Judiciary**

**Complete to 2-29-08**

## **A SUMMARY OF HOUSE BILLS 5560-5562 AS REPORTED FROM COMMITTEE**

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.

## **BACKGROUND INFORMATION:**

The bills are the latest attempt to address assaults on bus drivers and bus passengers. Bills have been introduced in each legislative session since 1999. Some feel that because transit employees are entrusted with the safety of passengers on the bus, an attack on a driver should be punished more severely than the general assault statutes provide. Assaulting a driver while the vehicle is navigating urban traffic or traveling on a highway puts all passengers, other vehicles, and pedestrians in great danger of serious injury. Further, passengers—whether riding on a bus, embarking or disembarking from a bus, or waiting at a bus stop—are easy targets with limited means of escape should an assault occur. It is believed that stiffer penalties should be available for anyone assaulting bus passengers, as well. A change in the law would allow transit workers to post signage in all buses and at bus stops educating would-be assailants about the enhanced penalties, similar to signage in aircraft warning against assaults on pilots. Supporters of the bill

package believe that the enhanced penalties will not only provide a more just punishment, but will have a strong deterrent effect, too.

Critics say that the current statutes prohibiting assaults and crimes against a person are sufficient and question the appropriateness of carving out specific locations where enhanced penalties would apply. For example, an attack at a bus stop or in the parking lot of a bus terminal would carry a greater penalty than an assault that occurred in an adjacent parking lot or portion of a sidewalk, even though victim's injuries could be just as serious.

## **POSITIONS:**

The Amalgamated Transit Union supports the bills. (2-28-08)

The Kalamazoo County Transportation Authority indicated support for the bills. (2-28-08)

SMART (Suburban Mobility Authority for Regional Transit) indicated support the bills. (2-28-08)

Lansing Local 1039 and Local 1564/Amalgamated Transit Union indicated support for the bills. (2-28-08)

The Michigan Public Transit Association indicated support for the bills. (2-28-08)

Amalgamated Transit Union International indicated support for the bills. (2-28-08)

Kalamazoo Metro Transit indicated support for the bills. (2-28-08)

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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.