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BILL ANALYSIS

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Senate Bills 357 and 358 (as reported by the Committee of the Whole)

Sponsor: Senator Wayne Kuipers

Committee: Judiciary

## **CONTENT**

Senate Bill 358 would amend the Michigan Penal Code to prescribe criminal penalties for a person who, without lawful authority, tampered with, took, or removed a "public safety device" owned or maintained by the State or a political subdivision of the State, knowing or having reason to know that the device was a public safety device. Except as provided below, a violation would be a misdemeanor punishable by up to 93 days' imprisonment and/or a maximum fine of \$1,000.

A violation that rendered the device unavailable or unusable for rescue when needed would be a felony punishable by up to five years' imprisonment and/or a fine of not less than \$1,000 or more than \$5,000, if it were the proximate cause of serious impairment of a body function of another person. The violation would be punishable by up to 15 years' imprisonment and/or a fine of not less than \$2,500 or more than \$10,000, if it were the proximate cause of the death of another person.

"Public safety device" would mean 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.

Senate Bill 357 would amend the Code of Criminal Procedure to include the felony violations proposed by Senate Bill 358 in the sentencing guidelines. A violation causing serious impairment of a body function would be a Class E felony against a person with a five-year statutory maximum sentence. A violation causing death would be a Class C felony against a person with a 15-year statutory maximum. The bill is tie-barred to Senate Bill 358.

Each bill would take effect 90 days after its enactment.

MCL 777.16x (S.B. 357)  
Proposed MCL 750.498c (S.B. 358)

Legislative Analyst: Patrick Affholter

## **FISCAL IMPACT**

There are no data to indicate how many offenders would be convicted of the proposed offenses. An offender convicted of the Class C offense would receive a sentencing guidelines minimum sentence range of 0-11 months to 62-114 months. An offender convicted of the Class E offense would receive a sentencing guidelines minimum sentence range of 0-3 months to 24-38 months. Local governments would incur the costs of incarceration in local facilities, which vary by county. The State would incur the cost of felony probation at an annual average cost of \$2,000, as well as the cost of incarceration in a State facility at an average annual cost of \$30,000. Additional penal fines would benefit public libraries.

Date Completed: 5-17-07

Fiscal Analyst: Lindsay Hollander

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Bill Analysis @ [www.senate.michigan.gov/sfa](http://www.senate.michigan.gov/sfa)

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.