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BILL ANALYSIS

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Senate Bills 357 and 358 (as introduced 3-20-07)  
Sponsor: Senator Wayne Kuipers  
Committee: Judiciary

Date Completed: 5-15-07

### **CONTENT**

**Senate Bills 357 and 358 would amend the Code of Criminal Procedure and the Michigan Penal Code, respectively, to prohibit and prescribe criminal penalties for unlawfully tampering with, taking, or removing a "public safety device" owned or maintained by the State or a political subdivision of the State; and to include felony violations in the sentencing guidelines.**

Senate Bill 358 would define "public safety device" as either of the following:

- 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.
- A device to prevent or suppress a fire, including a fire detector, fire alarm, or fire extinguisher.

Senate Bill 357 is tie-barred to Senate Bill 358.

### **Senate Bill 358**

The bill specifies that, except as otherwise provided, 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, would be guilty of a misdemeanor punishable by up to 93 days' imprisonment, a maximum fine of \$1,000, or both.

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

"Serious impairment of a body function" would mean that term as it is defined in Section 58c of the Michigan Vehicle Code (MCL 257.58c). Under that section, the term includes one or more of the following:

- Loss of a limb or use of a limb.
- Loss of a foot, hand, finger, or thumb or loss of use of a foot, hand, finger, or thumb.
- Loss of an eye or ear or use of an eye or ear.

- Loss or substantial impairment of a bodily function.
- Serious visible disfigurement.
- A comatose state that lasts for more than three days.
- Measurable brain or mental impairment.
- A skull fracture or other serious bone fracture.
- Subdural hemorrhage or subdural hematoma.
- Loss of an organ.

### **Senate Bill 357**

The bill would 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 statutory maximum sentence of five years' imprisonment. A violation causing death would be a Class C felony against a person with a statutory maximum sentence of 15 years' imprisonment.

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

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bills would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of the proposed offenses. An offender convicted of the Class C offense under the bills 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 \$31,000. Additional penal fine revenue would benefit public libraries.

Fiscal Analyst: Lindsay Hollander

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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.