



Senate Fiscal Agency
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BILL ANALYSIS

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House Bills 6629 and 6630 (as passed by the House)
Sponsor: Representative Frank Accavitti (H.B. 6629)
Representative Paul Opsommer (H.B. 6630)
House Committee: Transportation

CONTENT

House Bill 6629 would amend the Code of Criminal Procedure to permit the court, if an individual were convicted of one of the following violations, to order the individual to reimburse the State or local unit of government for expenses incurred in relation to the incident:

- A moving violation that caused the death of or serious injury to another person.
- Reckless driving that caused the death of or serious injury to another person.

House Bill 6630 would amend the Code of Criminal Procedure to include the following offenses in the sentencing guidelines:

- Reckless driving causing serious impairment, which would be a Class E felony against a person with a statutory maximum sentence of five years' imprisonment.
- Reckless driving causing death, which would be a Class C felony against a person with a statutory maximum sentence of 15 years' imprisonment.

The bill would remove the sentencing guidelines classification of negligent homicide, which is a Class G felony against a person with a statutory maximum sentence of two years.

Both bills would take effect October 31, 2010, and are tie-barred to Senate Bill 104. (Senate Bill 104 (S-3), as passed by the Senate, would amend the Michigan Vehicle Code to establish criminal penalties for a moving violation that seriously injured or killed another person, and for reckless driving that seriously injured or killed another person.)

MCL 769.1f (H.B. 6629)
777.12g (H.B. 6630)

Legislative Analyst: Curtis Walker

FISCAL IMPACT

House Bill 6629 would result in additional revenue to the State and local units of government, depending on the number of violations and the amount of costs incurred.

House Bill 6630 would have an indeterminate fiscal impact on State and local government. In 2006, 34 offenders were convicted of felonious driving and 103 offenders were convicted of negligent homicide. Of these offenders, 20 were sentenced to prison, 90 were sentenced to probation, 17 were sentenced to jail, and 10 received other types of sentences, such as delayed or suspended sentences or Holmes Youthful Trainee Act probation. An offender convicted of the Class C offense under the bill 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. To the extent that House Bill 6630 and Senate Bill 104 would increase incarceration time, local governments would incur increased costs of incarceration in local facilities, which vary by county. The State would incur increased costs of incarceration in a State facility at an average annual cost of \$32,000.

Date Completed: 12-11-08

Fiscal Analyst: Bill Bowerman
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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.