

Legislative Analysis



MAXIMUM SENTENCES FOR GANG RECRUITMENT, ETC.

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Senate Bill 713

Sponsor: Sen. Roger Kahn, M.D.

House Committee: Judiciary

Senate Committee: Judiciary

Complete to 2-8-10

A SUMMARY OF SENATE BILL 713 AS PASSED BY THE SENATE 11-12-09

The bill would amend the sentencing guidelines portion of the Code of Criminal Procedure (MCL 777.16t) to specify that a violation of the prohibition on gang recruitment would be a Class E felony against a person with a maximum term of imprisonment of 5 years, and that retaliation for withdrawal from a gang would be a Class B felony against a person with a 20-year maximum term of imprisonment. The bill is identical to House Bill 4931, which was previously reported by the House Judiciary Committee and is awaiting floor action.

FISCAL IMPACT:

The bill would have no direct fiscal impact on the state or local units of government.

BACKGROUND INFORMATION:

The bill would provide a technical fix for a problem that occurred last session when bills amending the same section of law were signed out of order. In the 2008-2009 legislative session, a four-bill package that addressed gang-related crimes was enacted into law (Public Acts 562-565 of 2008). Two of the bills created new gang-related offenses, and the other two (enrolled Senate Bills 292 and 661) placed the maximum terms of imprisonment for the felony offenses within the sentencing guidelines.

Enrolled Senate Bill 292 (Public Act 565) contained the sentencing guidelines amendment for the penalty created by enrolled Senate Bill 291 (Public Act 564): up to 20 years imprisonment for committing or attempting to commit a felony for which gang membership or association provided the motive, means, or opportunity. The other sentencing guidelines bill – enrolled Senate Bill 661 (Public Act 562) – contained that same penalty, as well as the penalties for crimes established by Senate Bill 660 (Public Act 563 of 2008): gang recruitment and deterring a person from or retaliating against a person for withdrawing from a gang.

Senate Bill 292, which contained the single sentencing guidelines amendment, was inadvertently signed into law after Senate Bill 661, which contained all of the amendments. The result was that the newly enacted provisions relating to gang recruitment and retaliation for withdrawal from a gang were mistakenly deleted.

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