

Legislative Analysis



SENTENCING GUIDELINES FOR BOTTLE BILL AND RVM ANTIFRAUD ACT FELONY CRIMES

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House Bill 4237

Sponsor: Rep. Kathy Angerer

Committee: Great Lakes and Environment

Complete to 5-13-09

A SUMMARY OF HOUSE BILL 4237 AS INTRODUCED 2-10-09

House Bill 4237 would amend the Code of Criminal Procedure (MCL 777.14h) to place into sentencing guidelines the following new felony crimes created by the Reverse Vending Machine Antifraud Act (Public Act 387 of 2008, created by House Bill 5147) and recent revisions to the Bottle Bill made by Public Act 384 of 2008 (created by House Bill 6441 of 2008):

MCL	Category	Class	Description	Stat Max
445.574a(2)(d) (Bottle Bill revision)	Pub Ord	H	Improper return of 10,000 or more nonrefundable containers	5 years
445.574a(3)(d) (Bottle Bill revision)	Pub Ord	H	Improper acceptance or delivery of 10,000 or more nonrefundable containers by <i>dealer</i>	5 years
445.574a(4)(d) (Bottle Bill revision)	Pub Ord	H	Improper acceptance or delivery of 10,000 or more nonrefundable containers by <i>distributor</i>	5 years
445.667 (RVM Antifraud Act/ PA 387 of 2008)	Pub Ord	G	Changing, altering, or modifying reverse vending machine or data for reverse vending machine	2 years

It should be noted that the Reverse Vending Machine Antifraud Act and the felony crimes created by it (changing, altering, or modify a reverse vending machine or its data) will not take effect until the Legislature appropriates at least \$1 million into the Beverage Container Redemption Antifraud Fund. The Bottle Bill violations described above, however, are currently in effect.

The bill would also make some editorial or stylistic changes to the descriptions of other violations covered by these sentencing guidelines.

Finally, although the bill as introduced would have changed the statutory maximum from five years to three for buying or selling stolen scrap metal, an amendment is anticipated that would leave this maximum at five years.

FISCAL IMPACT:

The bill would have no direct fiscal impact on state or local correctional systems.

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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.