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BILL ANALYSIS



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Senate Bill 194 (as introduced 2-5-09)
Sponsor: Senator Randy Richardville
Committee: Appropriations

Date Completed: 4-29-09

CONTENT

Senate Bill 194 would amend the Code of Criminal Procedure to include the following felony offenses in the sentencing guidelines:

- Improper return of 10,000 or more nonrefundable containers, which would be a Class H felony against the public order with a statutory maximum sentence of five year's imprisonment.
- Improper acceptance or delivery of 10,000 or more nonrefundable containers by a dealer or distributor, which would be a Class H felony against the public order with a statutory maximum sentence of five year's imprisonment.
- Changing, altering, or modifying reverse vending machines or data for reverse vending machines, which would be a Class G felony against the public order with a statutory maximum of two year's imprisonment.

MCL 777.14h

FISCAL IMPACT

The bill would have no fiscal impact on State or local government. Public Acts 384 and 387 of 2008 enacted the offenses that would be added to the Code of Criminal Procedure under the bill. An offender convicted of the Class G offense under the bill would receive a sentencing guidelines minimum sentence range of 0-3 months to 7-23 months. An offender convicted of the Class H offenses under the bill would receive a sentencing guidelines minimum sentence range of 0-1 month to 5-17 months.

The bill contains amendments that had been enacted in Public Act (PA) 386 of 2008, effective December 29, 2008. Subsequently, Public Act 430 of 2008, an act that added separate, unrelated offenses to the same section of Code of Criminal Procedure, was enacted. Since PA 430 of 2008 did not contain the changes made in PA 386 of 2008, it inadvertently removed those changes.

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.