



Senate Fiscal Agency  
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## BILL ANALYSIS

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Senate Bills 760, 761, and 762 (as reported without amendment)

Sponsor: Senator Ron Jelinek

Committee: Judiciary

**CONTENT**

Senate Bill 762 would repeal Section 171 of the Michigan Penal Code, which prohibits and prescribes a penalty for engaging in or challenging to fight a duel. Under Section 171, a person who engages in a duel with any deadly weapon or who challenges another to fight such a duel, or who sends or delivers any written or verbal message purporting or intended to be such a challenge, is guilty of a felony punishable by up to 10 years' imprisonment and/or a maximum fine of \$5,000, and may not hold or be elected or appointed to any place of honor, profit, or trust under the State Constitution or Michigan law.

Senate Bill 761 would amend the Code of Criminal Procedure to delete the felony of dueling from the sentencing guidelines. Currently, the offense is a Class E felony against a person with a statutory maximum sentence of 10 years' imprisonment. The bill is tie-barred to Senate Bill 762.

Senate Bill 760 would amend the Corrections Code to refer to "former" Section 171 of the Penal Code in the list of crimes for which a prisoner is not eligible for parole until he or she has served the minimum term imposed by the court, less an allowance for disciplinary credits, and is not eligible for special parole. The bill is tie-barred to Senate Bill 762.

MCL 791.233b (S.B. 760)  
777.16i (S.B. 761)  
750.171 (S.B. 762)

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 will be convicted, or have been convicted under Section 171 of the Michigan Penal Code. To the extent that the bills would decrease convictions, the State would incur lower incarceration costs. At present, the average annual cost of incarceration in a State correctional facility is \$34,000 per prisoner and the average annual cost of felony probation is approximately \$2,000 per prisoner. Additionally, the State would lose the ability to collect fines that may be assessed under Section 171, which benefit public libraries.

Date Completed: 10-14-09

Fiscal Analyst: Matthew Grabowski