



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bills 760, 761, and 762 (as introduced 8-26-09)
Sponsor: Senator Ron Jelinek
Committee: Judiciary

Date Completed: 10-13-09

CONTENT

The bills would amend several statutes to delete provisions that make dueling a felony and prescribe penalties for the offense.

Senate Bills 760 and 761 are tie-barred to Senate Bill 762.

Senate Bill 762

The bill 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

The bill 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.

Senate Bill 760

The bill 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.

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.

Fiscal Analyst: Matthew Grabowski

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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.