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Senate Bill 1313 (Substitute S-1 as reported)
Senate Bill 1314 (Substitute S-1 as reported)
Sponsor: Senator Irma Clark-Coleman (S.B. 1313)
Senator Mike Nofs (S.B. 1314)
Committee: Judiciary

CONTENT

Senate Bill 1313 (S-1) would amend the Michigan Penal Code to establish penalties for a person who assaulted, battered, or assaulted and battered an individual while he or she was performing his or her duties as an employee or contractor of a public utility, or because of the individual's status as an employee or contractor of a public utility.

"Public utility" would mean a utility that provides steam, gas, heat, electricity, water, cable television, telecommunications services, or pipeline services, whether privately, municipally, or cooperatively owned.

Except as described below, the offense would be a misdemeanor punishable by imprisonment for up to one year, a maximum fine of \$1,000, or both.

If the offense caused the individual bodily injury requiring medical attention or medical care, it would be a felony punishable by imprisonment for up to two years, a maximum fine of \$1,000, or both.

If the offense caused the individual serious impairment of a body function, it would be a felony punishable by imprisonment for up to five years, a fine of not less than \$1,000 or more than \$5,000, or both.

Senate Bill 1314 (S-1) would amend the Code of Criminal Procedure to include the felonies proposed by Senate Bill 1313 (S-1) in the sentencing guidelines. Assault on a utility worker causing bodily injury requiring medical attention would be a Class G felony against a person with a statutory maximum of two years. Assault on a utility worker causing serious impairment of a body function would be a Class E felony against a person with a statutory maximum of five years.

Senate Bill 1313 (S-1) is tie-barred to Senate Bill 1314.

Proposed MCL 750.81e (S.B. 1313)
MCL 777.16d (S.B. 1314)

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government. There are no data to indicate how many offenders would be convicted of the various proposed offenses. An offender convicted of the misdemeanor offense under the bills would be subject to imprisonment for up to one year and a fine of up to \$1,000. An offender convicted of the Class E offense under the bills would receive a sentencing guidelines

minimum sentence range of 0-3 months to 24-38 months, with a statutory maximum sentence of five years. An offender convicted of this offense also would be subject to a fine of up to \$5,000. An offender convicted of the Class G offense under the bills would receive a sentencing guidelines minimum sentence range of 0-3 months to 7-23 months, with a statutory maximum sentence of two years. An offender convicted of this offense also would be subject to a fine of up to \$1,000. Local governments would incur the costs of incarceration in local facilities, which vary by county. The State would incur the cost of felony probation at an annual average cost of \$2,000, as well as the cost of incarceration in a State facility at an average annual cost of \$34,000. Additional penal fine revenue would benefit public libraries.

Date Completed: 5-26-10

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.