

Legislative Analysis



SENTENCING GUIDELINES FOR VIOLATIONS OF MICHIGAN FIREWORKS SAFETY ACT

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Senate Bill 194 (Substitute S-5)

(Enacted as Public Act 257 of 2011)

Sponsor: Sen. Rick Jones

House Committee: Regulatory Reform

Senate Committee: Regulatory Reform

Complete to 11-8-11

A SUMMARY OF SENATE BILL 194 AS PASSED BY THE SENATE 11-3-11

The bill would make amendments to the sentencing guideline provisions contained in the Code of Criminal Procedure (MCL 777.11b) for violations of the proposed Michigan Fireworks Safety Act (created by House Bill 4293).

The bill contains updated MCL references and is otherwise identical to House Bill 4294, which was passed by the House on October 19, 2011. The bill is tie-barred to House Bill 4293, meaning that unless both bills are enacted, neither will go into effect.

Under the bill, a consumer fireworks certificate violation would be a Class G felony with a maximum term of imprisonment of two years. A low-grade fireworks certificate violation would be a Class G felony with a maximum term of imprisonment of two years. A violation causing serious impairment would be a Class G felony with a maximum sentence of five years. A violation causing death would be a Class E felony with a maximum sentence of 15 years.

FISCAL IMPACT:

To the extent that the bills increased the numbers of misdemeanor or felony convictions for fireworks violations, it could increase state or local costs related to jail or prison incarceration or probation. The average annual cost of housing a prisoner in a state prison is about \$34,000, a figure that includes various fixed administrative and operational costs. Costs of parole and probation supervision, exclusive of the cost of electronic tether, average about \$2,100 per supervised offender per year. Local jail costs vary by jurisdiction. Any increase in penal fine revenues would benefit local libraries, which are the constitutionally-designated recipients of those revenues.

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