



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL



ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 388 (Substitute S-3 as reported)
Sponsor: Senator Mike Nofs
Committee: Judiciary

CONTENT

The bill would amend the Code of Criminal Procedure to revise the felony class for first- and second-degree fleeing and eluding in the sentencing guidelines.

Currently, first-degree fleeing and eluding is a Class C felony against a person and is punishable by a statutory maximum sentence of 15 years' imprisonment. Under the bill, that violation would be a Class B felony. Second-degree fleeing and eluding is currently a Class D felony against a person and is punishable by a statutory maximum sentence of 10 years' imprisonment. Under the bill, that violation would be a Class C felony.

The bill would take effect on January 1, 2013.

(A fleeing and eluding violation is first-degree fleeing and eluding if it results in the death of another person. A violation is second-degree fleeing and eluding if it results in serious impairment of a body function of an individual; the violator has one or more prior convictions for first-, second-, or third-degree fleeing and eluding, attempted first-, second-, or third-degree fleeing and eluding, or fleeing and eluding under a current or former State law prohibiting substantially similar conduct; or the violator has any combination of two or more prior convictions for fourth-degree fleeing and eluding, attempted fourth-degree fleeing and eluding, or fleeing and eluding under a current or former State law prohibiting substantially similar conduct.)

MCL 777.16x

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. By increasing the felony class of first- and second-degree fleeing and eluding convictions, the bill could increase offender length of stay in State facilities and thereby increase incarceration costs. The average annual cost of incarceration in a State facility is approximately \$34,000.

Date Completed: 9-12-12

Fiscal Analyst: Dan O'Connor