

Legislative Analysis



FELONY MURDER: INCLUDE UNLAWFUL IMPRISONMENT

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Senate Bill 409 with House committee amendment
Sponsor: Sen. Rick Jones
House Committee: Criminal Justice
Senate Committee: Judiciary

Complete to 2-11-14

A SUMMARY OF SENATE BILL 409 AS REPORTED BY HOUSE COMMITTEE

The bill would add the crime of unlawful imprisonment to the list of offenses constituting first degree murder.

Senate Bill 409 would amend the Michigan Penal Code (MCL 750.316) to include ***murder committed in the perpetration or attempted perpetration of unlawful imprisonment*** under Section 349b among the acts that constitute first-degree murder.

First degree murder is a felony punishable by imprisonment for life without the possibility of parole.

Under Section 349b currently, the crime of unlawful imprisonment is committed if a person knowingly restrains another person under any of the following circumstances:

- ❖ The person is restrained by means of a weapon or dangerous instrument.
- ❖ The restrained person was secretly confined.
- ❖ The person was restrained to facilitate the commission of another felony or to facilitate flight after commission of another felony.

The bill would take effect April 1, 2014.

FISCAL IMPACT:

The bill would increase costs on the state's correctional system. Information is not available on the number of persons that might be convicted for murder committed in the perpetration of, or attempt to perpetrate, unlawful imprisonment. Convictions would result in increased costs related to the state's prisons, as the punishment would be imprisonment for life. Currently, the average cost of prison incarceration in a state facility is roughly \$35,600 per prisoner per year, a figure that includes various fixed administrative and operational costs.

POSITIONS:

A representative of the Wayne County Prosecutor testified in support of the bill on 10-30-13 and 1-29-14.

The Prosecuting Attorneys Association of Michigan (PAAM) indicated support for the bill. (10-30-13)

The Michigan Sheriffs Association indicated support for the bill. (1-29-14)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.