



Senate Fiscal Agency
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Senate Bill 409 (Substitute S-2 as reported)
Sponsor: Senator Rick Jones
Committee: Judiciary

CONTENT

The bill would amend the Michigan Penal Code to include murder committed in the perpetration of unlawful imprisonment among the acts that constitute first-degree murder.

Currently, if a person commits murder during the perpetration or attempted perpetration of a particular crime, he or she is guilty of first-degree murder and must be punished by life imprisonment. This is commonly known as the felony murder rule, and the crime that triggers it is commonly referred to as the predicate offense. Predicate offenses include robbery, first-degree child abuse, a major controlled substance offense, kidnapping, first-, second-, and third-degree criminal sexual conduct, torture, and aggravated stalking. The bill would include unlawful imprisonment under Section 349b of the Penal Code as a predicate offense.

Under Section 349b, 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.

MCL 750.316

Legislative Analyst: Glenn Steffens

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State government. There are no data to indicate how many offenders would be convicted of first-degree murder for committing murder while perpetrating unlawful imprisonment. In 2011, there were 133 dispositions for first-degree murder, including 33 for felony murder, and there were 160 dispositions for second-degree murder. Also in 2011, there were 77 dispositions for unlawful imprisonment. The potential fiscal impact would result from the possible overlap between those who would currently be convicted of second-degree murder and unlawful imprisonment, but, under the bill, instead would be convicted of first-degree murder due to the coinciding charge of unlawful imprisonment. This increase to first-degree murder would eliminate any possibility that the offender could be discharged or paroled, which could result in increased costs of incarceration for the State prison system.

Date Completed: 7-30-13

Fiscal Analyst: Dan O'Connor