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BILL



ANALYSIS

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House Bill 4525 (Substitute H-2 as reported without amendment)

Sponsor: Representative Joseph Graves

House Committee: Criminal Justice

Senate Committee: Judiciary

Date Completed: 9-4-13

CONTENT

The bill would amend the Code of Criminal Procedure to add and revise sentencing guidelines designations for certain felonies that were enacted or changed in 2012. The sentencing guidelines proposed by the bill are described below and displayed in Table 1.

Table 1

Offense	Current Category	Current Class	Proposed Category	Proposed Class
PA 183 of 2012 violation	NA	NA	Controlled Sub.	F
PA 256 of 2012 violation	NA	NA	Public Safety	E
First-Degree Arson	Person	B	Person	A
Second-Degree Arson	Property	D	Person	B
Third-Degree Arson	Person	E	Property	D
Fourth-Degree Arson	NA	NA	Property	E
Arson of Insured Dwelling	Property	A	Person	A
Organized Retail Crime	Property	C	Property	E

Public Act 183 of 2012 prohibits a person from selling a named product while representing that it contains an ingredient producing effects similar to those produced by a Schedule 1 controlled substance. Public Act 256 of 2012 prohibits a person from selling or furnishing a cell phone or other wireless communication device to a jail inmate. The bill would include these offenses in the sentencing guidelines, as shown in Table 1.

Public Acts 531, 532, and 533 of 2012 amended Chapter 10A (Arson and Burning) of the Michigan Penal Code to revise various arson prohibitions and penalties. The bill would revise the sentencing guidelines for first-, second-, and third-degree arson, as shown in Table 1. The bill also would add sentencing guidelines for fourth-degree arson and arson of an insured dwelling, as shown in the table.

Public Act 455 of 2012 enacted the Organized Retail Crime Act to prohibit engaging in organized retail crime. The bill would change the sentencing guideline for a violation of the Act from a Class C property felony to a Class E property felony.

MCL 777.13m et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate negative fiscal impact on State and local government. By elevating the crime classes for several offenses, the bill would increase the average minimum sentence for prison-bound offenders, and would increase the likelihood of incarceration for offenders who would not have been prison-bound if their crimes remained in the current crime class. The sentencing guidelines consist of a series of grids that combine "offense variables" and "prior offense variables" and use those data to give the judge a range of minimum sentences. For each class of offenses, the range is higher (holding the other variable static), so for a given crime and criminal history, the likelihood of a longer minimum sentence would be increased under the bill.

Fiscal Analyst: Dan O'Connor

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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.