



**Senate Fiscal Agency**  
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House Bill 4808 (Substitute H-2 as reported by the Committee of the Whole)  
Sponsor: Representative Margaret E. O'Brien  
House Committee: Criminal Justice  
Senate Committee: Judiciary

### **CONTENT**

The bill would amend the Michigan Penal Code to specify that various statutory provisions requiring a sentence of imprisonment for life without possibility of parole would apply except as provided in Chapter IX (Judgment and Sentence) of the Code of Criminal Procedure.

The bill is tie-barred to Senate Bill 319, which would amend Chapter IX of the Code of Criminal Procedure. (As passed by the Senate, Senate Bill 319 (S-2) would allow a prosecuting attorney to file a motion to sentence a defendant to life imprisonment without parole if the defendant were convicted of first-degree murder or another offense listed in the bill, and were under 18 at the time he or she committed the offense.)

Under the Penal Code, the mandatory penalty for first-degree murder and various other offenses that result in death is imprisonment for life without possibility of parole. Under House Bill 4808 (H-2), that penalty would apply except as provided in Chapter IX of the Code of Criminal Procedure (as it would be amended by Senate Bill 319).

The bill also would increase the minimum age of a person who must be sentenced to life imprisonment without parole for committing first-degree criminal sexual conduct (CSC) against an individual under 13, if the offender had previously been convicted of first-, second-, third-, or fourth-degree CSC or assault with intent to commit CSC, against a person under 13. Under the bill, that penalty would apply if the offender were 18 or older, rather than 17 or older.

MCL 750.16 et al.

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

As noted above, the bill is tie-barred to Senate Bill 319, which would allow the reduction of potential life sentences for juveniles to a minimum of 25 to 40 years. That bill would lead to significant cost savings to the State, albeit not for several decades. In conjunction with Senate Bill 319, House Bill 4808 (H-2) would eliminate mandatory application of life without parole for juveniles. Therefore, the bill would have the potential to reduce the length of stay in prison for juveniles, with a resulting reduction in prison costs several decades in the future.

Date Completed: 2-11-14

Fiscal Analyst: Steve Angelotti