

CRIME OF ASSAULT AND BATTERY OF A PREGNANT WOMAN: PLACE IN SENTENCING GUIDELINES

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House Bill 4788 (reported from committee w/o amendment)

Analysis available at
<http://www.legislature.mi.gov>

Sponsor: Rep. Amanda Price

Committee: Criminal Justice

Complete to 9-23-15

SUMMARY:

House Bill 4788 would place the felony penalty created by House Bill 4479 within the sentencing guidelines. It is a companion bill to House Bill 4479, which would create enhanced penalties for a repeat conviction of the assault and battery of a pregnant woman when the assailant knows the woman is pregnant.

House Bill 4788 would amend the sentencing guidelines portion of the Code of Criminal Procedure to specify that a violation of 750.81(5), the domestic assault or assault of a pregnant individual with prior convictions would be a Class E felony against a person with a maximum term of imprisonment of five years (MCL 777.16d). (Underlining denotes new language.) The bill is tie-barred to House Bill 4479, meaning that it cannot take effect unless House Bill 4479 is also enacted into law.

BACKGROUND INFORMATION:

House Bill 4788 is tie-barred to House Bill 4479, which proposes to create a separate crime category for assaulting or battering a woman who the perpetrator knows is pregnant. Since Michigan law already criminalizes assault and battery in domestic relationships, with enhanced penalties for repeat violations, House Bill 4479 would largely pertain to non-domestic-related incidents.

Under House Bill 4479, a first offense would be punishable in similar manner to a simple assault or first domestic violence offense. Repeat offenses would be treated like subsequent domestic violence offenses which carry increased penalties; e.g., a second offense would be a one-year misdemeanor, where a third or subsequent offense would be a five-year felony. House Bill 4788 is a companion bill to House Bill 4479 and merely places the statutory maximum years of imprisonment for the felony penalty regarding a subsequent conviction of assaulting and battering a pregnant woman within the sentencing guidelines.

(For more information, see the House Fiscal Agency analysis of House Bill 4479 at: <http://www.legislature.mi.gov/documents/2015-2016/billanalysis/House/pdf/2015-HLA-4476-319EB512.pdf>.)

FISCAL IMPACT:

The bill would not have a fiscal impact on state or local units of government.

POSITIONS:

The Office of Attorney General indicated support for the bill. (9-24-15)

The Michigan Catholic Conference indicated support for the bill. (9-24-15)

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Robin Risko

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