



**Senate Fiscal Agency**  
P. O. Box 30036  
Lansing, Michigan 48909-7536

BILL



ANALYSIS

**Telephone: (517) 373-5383**  
**Fax: (517) 373-1986**

Senate Bills 927 and 928 (as introduced 4-28-16)  
Sponsor: Senator Mike Kowall (S.B. 927)  
Senator Ken Horn (S.B. 928)  
Committee: Judiciary

Date Completed: 5-16-16

### **CONTENT**

**Senate Bills 927 and 928 would amend different statutes to make it a felony for a person to gain access to an electronic system of a motor vehicle in order to damage, alter, or obtain unauthorized control of the vehicle.**

Senate Bill 928 is tie-barred to Senate Bill 927. Each bill would take effect 90 days after its enactment.

#### **Senate Bill 927**

The bill would amend Public Act 53 of 1979, which prohibits access to computers, computer systems, and computer networks for certain fraudulent purposes, to prohibit a person from intentionally gaining access, or causing access to be made, to an electronic system of a motor vehicle in order to willfully destroy, damage, impair, alter, or gain unauthorized control of the vehicle.

A violation would be a felony punishable by imprisonment for life or any term of years.

#### **Senate Bill 928**

The bill would amend the Code of Criminal Procedure to include the felony proposed by Senate Bill 927 in the sentencing guidelines. Gaining access to the electronic systems of a motor vehicle to obtain data or control of the vehicle would be a Class A public safety felony with a statutory maximum sentence of imprisonment for life.

MCL 752.794 & 752.797 (S.B. 927)  
777.17c (S.B. 928)

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

#### **Senate Bill 927**

The bill would have a negative fiscal impact on State and local government. An increase in felony prosecutions and convictions could increase resource demands on local court systems, law enforcement, and prisons. For any increase in prison intakes, in the short term, the marginal cost to State government would be approximately \$3,764 per prisoner per year. In the long term, if the increased intake of prisoners increased the total prisoner population enough to require the Department of Corrections to open a housing unit or an entire facility,

the marginal cost to State government would be approximately \$34,550 per prisoner per year. Any increase in fine revenue would be dedicated to public libraries.

### **Senate Bill 928**

The bill would have no fiscal impact of local governments and an indeterminate fiscal impact on the State, in light of the Michigan Supreme Court's July 2015 opinion in *People v. Lockridge* (in which the Court struck down portions of the sentencing guidelines law). According to one interpretation of that decision, the sentencing guidelines are advisory for all cases even after the scoring of the offense is completed. This means that the addition to the guidelines under the bill would not be compulsory for the sentencing judge. As penalties for felony convictions vary, the fiscal impact of any given felony conviction would depend on judicial decisions.

Fiscal Analyst: Ryan Bergan