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BILL



ANALYSIS

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Senate Bill 976 (as introduced 5-17-16)
Sponsor: Senator Mike Nofs
Committee: Judiciary

Date Completed: 5-23-16

CONTENT

The bill would amend the Code of Criminal Procedure to include making a false report of a public threat in the sentencing guidelines. That offense is proposed by House Bill 5442 (H-1) and, under Senate Bill 976, would be a Class F public safety felony with a statutory maximum sentence of four years' imprisonment.

Senate Bill 976 is tie-barred to House Bill 5442 and would take effect 90 days after enactment. (House Bill 5442 (H-1), as passed by the House, would create the "Public Threat Alert System Act". Among other things, it would prohibit and prescribe a felony penalty for intentionally and knowingly making a false report of a public threat. "Public threat" would mean a clear, present, persistent, ongoing, and random threat to public safety. The term would include an act of terrorism, an unresolved mass shooting, or an unresolved mass shooting spree.)

MCL 777.11b

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on local government 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. 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

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