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BILL



ANALYSIS

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Senate Bills 200 and 201 (as introduced 2-28-17)

Sponsor: Senator Morris Hood

Committee: Judiciary

Date Completed: 3-6-17

CONTENT

Senate Bill 201 would amend the Michigan Penal Code to prohibit and prescribe criminal penalties for assaulting, battering, or assaulting and battering a sports official.

Senate Bill 200 would amend the Code of Criminal Procedure to add the felonies proposed by Senate Bill 201 to the sentencing guidelines.

Each bill would take effect 90 days after its effective date. Senate Bill 200 is tie-barred to Senate Bill 201.

Senate Bill 201

Under the bill, a person who committed assault, battery, or assault and battery of an individual who performed his or her duties as a sports official immediately before, during, or after a sporting event, or at any other time if the assault, battery, or assault and battery directly arose from the official's execution of his or her duty as a sports official, would be guilty of a crime punishable by imprisonment and/or a fine as shown in Table 1.

Table 1

Offense	Level	Max. Imprisonment	Fine
Assault, battery, or assault and battery	Misdemeanor	1 year	Up to \$1,000
Assault, battery, or assault and battery causing bodily injury requiring medical attention or care	Felony	2 years	Up to \$2,000
Assault, battery, or assault and battery causing serious impairment of a body function	Felony	5 years	\$1,000-\$5,000

The bill would not prohibit a person from being charged with, convicted of, or punished for any other violation of law arising out of the same transaction as the violation of the bill.

"Serious impairment of a body function" would mean that term as defined in Section 58c of the Michigan Vehicle Code.

The bill would define "sports official" as an individual who officially administers or officially assists in administering the rules at any sporting event. "Sporting event" would mean an organized competitive athletic activity between two or more individuals.

Senate Bill 200

Under the bill, assaulting or battering a sports official causing bodily injury would be a Class G felony against a person, with a statutory maximum sentence of two years' imprisonment. Assaulting or battering a sports official causing serious impairment of a body function would be a Class E felony against a person, with a statutory maximum sentence of five years' imprisonment.

MCL 777.16d (S.B. 200)
Proposed MCL 750.81f (S.B. 201)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

Senate Bill 201

The bill could have a negative fiscal impact on State and local government. More misdemeanor and felony arrests and convictions could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. The average cost to State government for felony probation supervision is approximately \$3,024 per probationer per year. 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. Any associated increase in fine revenue would increase funding to public libraries.

Senate Bill 200

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 depends on judicial decisions.

Fiscal Analyst: Ryan Bergan

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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.